

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division**

**MARVIN TUTT,
Plaintiff,**

Civil Action No. 8:25-cv-02006-TDC

v.

**REGINA ROBINSON
CHARLES COUNTY CHILD SUPPORT ADMINISTRATION
CHARLES COUNTY DEPARTMENT OF SOCIAL SERVICES
CHARLES COUNTY, MARYLAND
STATE OF MARYLAND
SHARA GABRIELLE HENDLER, ESQ.
ANDREA KHOURY
MISTEY L. METZGAR
1-30 Jane/John Does And/Or Entities
THEODORE D. CHUANG**

Defendants.

MOTION FOR RECUSAL AND DISQUALIFICATION

****IN THE UNITED STATES DISTRICT COURT****

****FOR THE DISTRICT OF MARYLAND****

****MARVIN TUTT****

Plaintiff,

v.

****STATE OF MARYLAND, et al.****

Defendants.

Case No.: 8:25-cv-02006-TDC

MOTION FOR RECUSAL AND DISQUALIFICATION

Plaintiff Marvin Tutt respectfully moves for the immediate recusal and disqualification of the Honorable Theodore D. Chuang pursuant to 28 U.S.C. § 455(a), based on four independent grounds that mandate disqualification.

I. THE COURT'S OWN DOCKET ESTABLISHES DISPARATE TREATMENT

The most damning evidence comes from this Court's own docket:

- **July 2, 2025**: Court issues "Deficiency Notice-Non-Prisoner" (Docket Entry #11)
- **July 8, 2025**: Judge Chuang issues Case Management Order where Exception #7 exempts prisoners from restrictions (Docket Entry #12)

In the span of six days, this Court officially recognized Plaintiff as a non-prisoner, then subjected him to restrictions that prisoners are exempt from. This sequence raises serious questions about the basis for disparate treatment.

II. FEDERAL DEFENDANT STATUS CREATES INSURMOUNTABLE CONFLICT

Judge Chuang is a defendant in DOJ litigation against ALL Maryland federal judges (filed June 24, 2025). A judge defending himself in federal court cannot impartially preside over related state misconduct claims. This creates insurmountable conflict under 28 U.S.C. § 455(a).

The timing speaks volumes:

- June 23: Plaintiff files suit alleging Maryland misconduct
- June 24: DOJ sues all Maryland federal judges
- June 24: Governor announces witness buyouts
- July 8: Defendant judge issues discriminatory restrictions

III. PATTERN OF PREDETERMINED BIAS

The July 8 Order demonstrates systematic bias through:

A. Premature Sua Sponte Action

- Issued only 15 days after filing
- Before any defendant appeared
- Before any problematic conduct
- Without Rule 16 conference

B. Prejudgment of Plaintiff's Motions

- Declares future motions "unnecessary and costly" (page 1)
- No basis for this characterization
- No history of vexatious litigation
- Reveals predetermined hostility

C. The Prisoner Exception Smoking Gun

Exception #7 exempts "motions in prisoner cases in which the prisoner is not represented by counsel" from restrictions. Despite the Court's own recognition of Plaintiff as "Non-Prisoner" (Entry #11), Plaintiff faces all restrictions that prisoners avoid. This reverse discrimination lacks any legitimate justification.

D. Discriminatory Procedural Traps

- 3-page opposition limit (defendants kill motions easily)
- No sur-replies (defendants always get last word)
- 15-page reply limit vs. 25 for oppositions
- Permission required before most motions
- Cost-shifting threats against plaintiff with \$141.37

E. Retroactive Application Targeting

The Order was issued July 8, 2025—fifteen days AFTER Plaintiff filed this case on June 23, 2025. Retroactively imposing new procedural requirements on an already-pending case violates due process and raises concerns about selective enforcement.

F. Impossible "Joint Record" Requirements

Section III.B.1 requires Plaintiff to collaborate with defendants to create "Joint Statements of Undisputed Facts" and share all evidence before filing. This is procedurally impossible in cases alleging misconduct—requiring plaintiffs to coordinate with defendants they accuse of wrongdoing undermines the adversarial process.

IV. THE "COMMON EXCEPTIONS" DEFENSE FAILS

Should the Court claim these were merely "common exceptions," this defense collapses:

1. ****Selective Inclusion****: Why exclude immigration, patent, admiralty exceptions? Only prisoner exceptions included.
2. ****Relevance Violation****: Courts don't list divorce exceptions in contract cases. Why list prisoner exceptions for non-prisoners?
3. ****Docket Contradiction****: Entry #11 confirmed non-prisoner status. Exception #7 contradicts Court's own record.
4. ****No Precedent****: Court cannot identify another case applying prisoner exceptions to free citizens.

5. ****Tailored Order****: Not generic template but sua sponte order for THIS case specifically.

V. ADDITIONAL GROUNDS: NATIONAL SECURITY CONCERNS

The case involves documented foreign intelligence activity following Maryland actions. As filed with this Court, Cloudflare security reports show aggressive cyber attempts from ALIBABA-CN-NET and TENCENT-NET-AP, along with attacks from French and Australian cloud infrastructure (likely proxies), targeting Plaintiff's intellectual property immediately after Maryland's actions.

Dismissing evidence of foreign intelligence involvement through retroactive procedural barriers raises serious questions about whether national security interests are being served. A judge facing federal litigation should not preside over cases documenting how government actions lead to foreign intelligence targeting of American citizens.

VI. STRUCTURAL MARYLAND CONFLICTS

Beyond personal conflicts, Maryland federal judges face challenges overseeing Maryland government cases:

- Institutional relationships with state entities
- Shared professional networks
- Appearance of protecting colleagues

- Public confidence requires outside judges

VII. MANDATORY DISQUALIFICATION STANDARD

Under § 455(a), recusal is mandatory where "impartiality might reasonably be questioned." Here:

- Judge is federal defendant
- Applied discriminatory procedures
- Ignored own court's classification
- Created procedural advantages for defendants

No reasonable person could view this as impartial.

VIII. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests:

1. ****Immediate recusal**** of Judge Chuang under § 455(a)
2. ****Transfer**** to non-Maryland district (preferably E.D. Virginia)
3. ****Declaration**** that all prior orders are void ab initio
4. ****Award**** of costs and fees incurred before disqualified judge
5. ****Expedited consideration**** given ongoing garnishments

The combination of federal defendant status, disparate treatment shown by docket entries, and systematic concerns makes recusal necessary.

****Respectfully submitted,****

/s/ Marvin Tutt

Marvin Tutt

Pro Se Plaintiff

Email: owner@caiatech.com

****Date:** July 15, 2025**

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, I served a true and correct copy of the foregoing Motion for Recusal and Disqualification upon the following parties via certified mail and first-class mail:

Charles County Child Support Administration

200 Kent Avenue

La Plata, MD 20646

Charles County Department of Social Services

200 Kent Avenue

La Plata, MD 20646

State of Maryland

c/o Office of the Attorney General

200 Saint Paul Place

Baltimore, MD 21202

Charles County, Maryland

200 Charles Street

La Plata, MD 20646

Shara Gabrielle Hendler, Esq.

c/o Charles County Child Support Administration

200 Kent Avenue

La Plata, MD 20646

Andrea Khoury

c/o Charles County Circuit Court

200 Charles Street

La Plata, MD 20646

Mistey L. Metzgar

c/o Charles County Circuit Court

200 Charles Street

La Plata, MD 20646

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Marvin Tutt

Marvin Tutt

Pro Se Plaintiff

Date: July 15, 2025