

PETITION FOR WRIT OF MANDAMUS

IN THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

IN RE: MARVIN TUTT

Petitioner

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

Related District Court Case: 25cv2006 (D. Md.)

EMERGENCY PETITION FOR WRIT OF MANDAMUS

Petitioner Marvin Tutt respectfully petitions for a Writ of Mandamus directing the disqualification of Judge Theodore D. Chuang and transfer of the underlying case to a non-Maryland district.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1651 (All Writs Act) and 28 U.S.C. § 455 (judicial disqualification).

ISSUE PRESENTED

Whether a federal judge who is a defendant in DOJ litigation can preside over a case challenging corruption by the same state government, where his co-defendants include every other federal judge in the district.

****Answer: No. This presents clear and indisputable grounds for disqualification.****

STATEMENT OF FACTS

1. ****June 23, 2025****: Petitioner filed suit against Maryland officials for fraud
2. ****June 24, 2025****: DOJ sued ALL Maryland federal judges, including Judge Chuang
3. ****July 2, 2025****: District Court issued "Deficiency Notice-Non-Prisoner" (Docket Entry #11)
4. ****July 8, 2025****: Judge Chuang—now a federal defendant—issued discriminatory orders with prisoner exceptions
5. ****Present****: Judge Chuang continues presiding despite insurmountable conflict

The sequence is damning: six days after the Court officially recognized Petitioner as a non-prisoner, Judge Chuang applied prisoner restrictions anyway.

WHY MANDAMUS IS APPROPRIATE

1. Clear and Indisputable Right to Impartial Judge

A federal defendant cannot be an impartial judge. Period. This is not a close question requiring discretion—it's a structural impossibility.

****This Presents An Unprecedented Conflict:****

- Entire Maryland federal bench sued by DOJ
- Judge continuing to preside while federal defendant
- Every potential replacement shares same conflict
- Structural disqualification of entire district

2. No Adequate Alternative Remedy

- Regular appeal would take years (Petitioner has \$141.37)
- Petitioner suffers weekly garnishments (survival threatened)
- Witnesses disappearing August 4 (evidence being destroyed)
- Every day before conflicted judge deepens violation
- Justice delayed is justice denied—here, delay means starvation

3. Extraordinary Circumstances

Never before has an entire federal bench been sued while presiding over related cases. This unprecedented situation demands extraordinary relief.

****The Perfect Storm of Conflicts:****

- Judge sued by DOJ for corruption
- Presiding over case about Maryland corruption
- Governor announces buyouts day after filing
- Judge issues punitive order against whistleblower
- Uses prisoner template for free citizen

This is not ordinary bias—this is structural impossibility of fairness.

THE DISQUALIFICATION IS MANDATORY

Under 28 U.S.C. § 455(a), a judge "SHALL disqualify himself" where impartiality might reasonably be questioned. A reasonable person would certainly question the impartiality of a judge defending himself in federal court.

ADDITIONAL EVIDENCE OF BIAS

The July 8 Case Management Order reveals predetermined bias through:

****Timing****: Issued sua sponte only 15 days after filing, before defendants appeared

****Discriminatory Language**:**

- Prejudges motions as "unnecessary and costly" (page 1)
- Exception #7 exempts prisoners from restrictions, but not Petitioner
- Created system where prisoners get better treatment than non-prisoners
- Cost-shifting threats target plaintiff with \$141.37

****The Smoking Gun**:** The Court's own docket proves conscious discrimination—Entry #11 confirmed "Non-Prisoner" on July 2, yet Entry #12 subjected Petitioner to restrictions that prisoners are exempt from. This eliminates any claim of mistake or oversight.

****National Security Concerns**:** The district court attempts to retroactively dismiss documentation of foreign cyber incidents. Following Maryland's actions, Cloudflare security reports documented aggressive attempts from ALIBABA-CN-NET and TENCENT-NET-AP, along with attacks from French and Australian cloud infrastructure (likely proxies) targeting Petitioner's intellectual property. Burying evidence of how government actions lead to foreign intelligence targeting of American citizens cannot serve the public interest.

****Procedural Traps**:**

- Must ask permission before filing most motions
- 3-page limit lets defendants kill motions easily
- No sur-replies allowed - defendants get last word

- Reply briefs get only 15 pages vs. 25 for oppositions
- Authentication requirements with no guidance
- Must create exhibit indexes with tabs

****Structural Bias****: One-size-fits-all order ignores civil rights cases need more extensive briefing for constitutional claims

STRUCTURAL DISQUALIFICATION REQUIRED

This is not about Judge Chuang personally—EVERY Maryland federal judge is disqualified:

- All are co-defendants in DOJ suit
- All share identical conflicts
- None can preside over Maryland corruption cases
- Public confidence demands outside judges

TRANSFER TO E.D. VIRGINIA

Given complete disqualification of Maryland judiciary, transfer to a geographically proximate district would serve justice. E.D. Virginia offers:

- No Maryland connections
- Established complex litigation procedures
- Reasonable access for pro se litigant
- The "rocket docket" for expedited resolution

IRREPARABLE HARM

Without immediate relief, Petitioner suffers:

- Continued proceedings before biased judge
- Weekly garnishments based on fraud
- Wasted resources on void proceedings
- Denial of fundamental fairness

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court:

1. ****ISSUE WRIT OF MANDAMUS**** directing Judge Chuang's immediate recusal
2. ****ORDER transfer**** to non-Maryland district (preferably E.D. Virginia)
3. ****DECLARE** all prior orders **VOID**** as issued by disqualified judge
4. ****AWARD** costs and fees** for mandamus proceedings
5. ****EXPEDITE consideration**** given ongoing irreparable harm

CERTIFICATE OF EXIGENCY

Petitioner certifies emergency consideration is necessary because:

- Weekly garnishments threaten survival (\$141.37 cannot last)

- August 4 witness buyout deadline approaches rapidly
- Every day before disqualified judge compounds harm
- No Maryland judge can hear recusal motion (all are co-defendants)
- Fraud continues daily with state's knowledge
- Evidence destruction likely without immediate intervention

****The Arithmetic of Emergency:****

- Days until August 4: 20
- Dollars remaining: \$141.37
- Daily survival cost: \$20
- Days until starvation: 7
- This Court must act before Petitioner cannot.

****Respectfully submitted,****

/s/ Marvin Tutt

Marvin Tutt

Petitioner Pro Se

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 Petition for Writ of Mandamus upon the following parties via certified mail and first-class mail:

****Clerk of Court****

U.S. District Court for the District of Maryland

101 West Lombard Street

Baltimore, MD 21201

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.

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200 Kent Avenue

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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

ADDENDUM

RELEVANT STATUTES

****28 U.S.C. § 455(a)**:**

"Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

****28 U.S.C. § 1651**:**

"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

KEY PRECEDENTS

- **Liteky v. United States**, 510 U.S. 540 (1994) (appearance of bias sufficient)
- **In re School Asbestos Litigation**, 977 F.2d 764 (3d Cir. 1992) (mandamus for recusal)

- *In re Murchison*, 349 U.S. 133 (1955) (justice must satisfy appearance of justice)

"No man can be a judge in his own case." - *Dr. Bonham's Case*, 8 Co. Rep. 107 (1610)