

**IN THE CIRCUIT COURT FOR CHARLES COUNTY  
FAMILY DIVISION**

**CHARLES COUNTY CHILD SUPPORT ADMINISTRATION  
REGINA ROBINSON  
Plaintiff,**

**v.**

**MARVIN TUTT  
Defendant.**

**Case No.: C-08-FM-22-000821**

---

DEFENDANT'S EMERGENCY MOTION TO CONTINUE/CANCEL  
SEPTEMBER 18, 2025 HEARING

TO THE HONORABLE COURT:

Defendant Marvin D. Tutt respectfully moves for the immediate continuation or cancellation of the September 18, 2025 hearing based on lack of proper notice, pending federal appeal, and the presiding magistrate's disqualification as a federal defendant.

**I. EMERGENCY NATURE**

This motion requires emergency consideration because:

1. The hearing is imminent (September 18, 2025);
2. No proper notice of hearing purpose has been provided;
3. Magistrate Khoury remains a federal defendant, making any proceedings void;
4. Federal appeal pending could render state proceedings moot;
5. Appearing would waive fundamental jurisdictional challenges.

**II. GROUNDS FOR CONTINUATION/CANCELLATION**

**A. Lack of Proper Notice Violates Due Process**

The hearing notice fails to state:

- The purpose of the hearing
- What motions or issues will be addressed

- What evidence will be considered
- What potential consequences exist

This violates fundamental due process under *Mathews v. Eldridge*, 424 U.S. 319 (1976), requiring notice of "the matters to be considered" to prepare an adequate defense.

## B. Federal Appeal Pending

Defendant filed Notice of Appeal on August 12, 2025, to the Fourth Circuit Court of Appeals (Case No. 8:25-cv-02006-DKC). The federal appeal challenges:

- The very authority of state courts to proceed
- The validity of income calculations (\$0 vs. \$82,000)
- Systematic fraud in Title IV-D enforcement
- Conspiracy between state and federal courts

Proceeding while federal appeal is pending would:

- Create conflicting rulings
- Waste judicial resources
- Potentially moot state proceedings
- Violate principles of judicial economy

## C. Magistrate Khoury's Disqualification

Magistrate Khoury is a named defendant in the federal case currently on appeal. Under *Williams v. Pennsylvania*, 579 U.S. 1 (2016), any order entered by a disqualified judge is void ab initio.

Her continued participation violates:

- 28 U.S.C. § 455(a) - Mandatory recusal
- Due Process Clause - No person may judge their own case
- Maryland Code of Judicial Conduct Rule 18-102.11

## D. Ultra Vires Requirements

The June 17, 2025 order added "proof of job search activities" not discussed at the June 13 hearing. This requirement:

- Exceeds statutory authority under Maryland child support guidelines
- Contradicts unemployment insurance requirements already being met
- Creates double jeopardy for same conduct
- Appears designed to manufacture non-compliance

## E. Retaliation for Federal Lawsuit

The timeline demonstrates clear retaliation:

- June 23, 2025: Federal lawsuit filed
- July 24, 2025: Federal case dismissed
- August 5, 2025: State suddenly schedules new hearing
- August 12, 2025: Federal appeal filed
- September 18, 2025: Trap hearing scheduled

This pattern violates the First Amendment right to petition for redress of grievances.

### III. IRREPARABLE HARM WITHOUT STAY

Forcing Defendant to appear would cause irreparable harm:

1. Legitimizing void proceedings before disqualified magistrate
2. Waiving federal jurisdictional challenges
3. Subjecting to ultra vires requirements
4. Creating evidence for manufactured contempt
5. Interfering with federal appeal rights

### IV. LEGAL AUTHORITY

"A court has inherent power to stay proceedings pending the outcome of related litigation in another forum." *Williford v. Armstrong World Industries*, 715 F.2d 124, 127 (4th Cir. 1983).

When a judge's impartiality might reasonably be questioned, "the judge shall disqualify himself or herself from the proceeding." 28 U.S.C. § 455(a).

### V. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests this Court:

1. IMMEDIATELY continue or cancel the September 18, 2025 hearing;
2. STAY all proceedings pending resolution of federal appeal;
3. ORDER Magistrate Khoury's immediate recusal;
4. REQUIRE proper notice of any future hearing including:
  - Specific matters to be addressed
  - Potential consequences

- Evidence to be considered
- Legal authority for any requirements

5. STRIKE the ultra vires "job search" requirement from order;

6. Grant such other relief as justice requires.

Respectfully submitted,

/s/ Marvin D. Tutt

Marvin D. Tutt

Defendant

Email: marvindtutt@gmail.com

Date: August 19, 2025

---

#### CERTIFICATE OF SERVICE

I hereby certify that on Aug 19, 2025, I served a true and correct copy of this Motion in-person to:

Charles County Circuit Court

Address: 200 Charles St, La Plata, MD 20646

/s/ Marvin D. Tutt

Marvin D. Tutt

---

#### VERIFICATION

I, Marvin D. Tutt, verify under penalty of perjury that the factual statements in this motion are true and correct to the best of my knowledge.

/s/ Marvin D. Tutt

Date: August 19, 2025