

**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.**

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# MOTION TO DECLARE ALL ORDERS VOID AB INITIO DUE TO JUDICIAL  
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\*\***

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## **## MOTION TO VOID ALL ORDERS AB INITIO**

Plaintiff Marvin Tutt respectfully moves this Court to declare ALL orders entered in this case VOID AB INITIO (void from the beginning) due to Judge Chuang's disqualifying conflict as a defendant in federal litigation.

## **## I. FUNDAMENTAL PRINCIPLE: DISQUALIFIED JUDGES CANNOT ISSUE VALID ORDERS**

It is black letter law that orders issued by a disqualified judge are void, not merely voidable.

**\*Liljeberg v. Health Services Acquisition Corp.\***, 486 U.S. 847, 859 (1988). They are nullities with no legal effect.

## **## II. THE DISQUALIFYING TIMELINE**

- **\*\*June 23, 2025\*\***: Plaintiff files this action against Maryland officials

- **\*\*June 24, 2025 (NEXT DAY)\*\***: DOJ sues ALL Maryland federal judges, including Judge Chuang
- **\*\*June 24, 2025 (SAME DAY)\*\***: Governor Wes Moore announces employee buyouts
- **\*\*July 2, 2025\*\***: Court issues "Deficiency Notice-Non-Prisoner" (Docket Entry #11)
- **\*\*July 8, 2025\*\***: Judge Chuang—now a federal defendant—issues punitive Case Management Order with prisoner exceptions
- **\*\*July 15, 2025\*\***: Plaintiff forced to comply with void orders
- **\*\*Present\*\***: Judge continues presiding while defending himself in federal court

**\*\*Every action taken after June 24, 2025, is void.\*\***

**\*\*The Coordination is Obvious:\*\***

- Plaintiff files suit → DOJ sues judges → Governor announces buyouts
- All within 24 hours
- The timing of these events raises significant questions

### **## III. ORDERS THAT MUST BE VOIDED**

#### **### A. Case Management Order (July 8, 2025)**

- Issued while Judge was federal defendant
- Contains discriminatory restrictions
- Created system where prisoners receive exemptions from restrictions

- Six days after confirming "Non-Prisoner" status, subjected Plaintiff to restrictions that prisoners avoid
- Established hierarchy favoring incarcerated individuals over free citizens
- Creates unconstitutional barriers
- Proves conscious discrimination, not oversight

#### ### B. Any Minute Entries

- Scheduling orders
- Administrative directives
- Case assignments
- All proceedings to date

#### ### C. Any Substantive Rulings

- All orders, regardless of nature
- All judicial determinations
- All case management decisions

### ## IV. THE RETROACTIVE APPLICATION COMPOUNDS THE VIOLATION

The Case Management Order was issued July 8, 2025—fifteen days AFTER Plaintiff filed this case on June 23, 2025. This retroactive imposition of new procedural requirements violates fundamental due process and provides additional grounds for declaring the Order void:

1. **\*\*Ex Post Facto Procedural Changes\*\***: Plaintiff filed under Federal Rules of Civil Procedure. The Court cannot retroactively impose additional requirements that didn't exist when the case was filed.

2. **\*\*Targeted Retaliation\*\***: The timing—immediately after DOJ sued all Maryland judges—suggests this Order may have been influenced by external factors.

3. **\*\*Impossible Compliance\*\***: The Order's "Joint Record" requirement (Section III.B.1) demands Plaintiff collaborate with defendants to create:

- "Joint Statement of Undisputed Facts"
- Coordinated exhibit numbering
- Evidence sharing before filing
- 250-word defendant objections per exhibit

This is procedurally impossible in cases alleging misconduct. Requiring plaintiffs to create "joint statements" with defendants they're suing is impractical. What "undisputed facts" exist between accuser and accused?

4. **\*\*Evidence Compromise\*\***: Forcing disclosure of all evidence to defendants before filing gives conspirators time to fabricate counter-narratives and destroy evidence.

## **## V. WHY VOIDNESS AB INITIO MATTERS**

When orders are void ab initio:

1. **\*\*No Legal Effect\*\***: As if they never existed
2. **\*\*No Compliance Required\*\***: Following void orders is optional
3. **\*\*Sanctions Improper\*\***: Cannot punish non-compliance with nullity
4. **\*\*Damages Available\*\***: Harm from void orders is compensable

## ## VI. THE STRUCTURAL CONFLICT

This is not about personal bias—it's about STRUCTURAL disqualification:

- ALL Maryland federal judges are co-defendants
- ALL share same legal interests
- ALL face same federal lawsuit
- ALL have conflict in Maryland government cases

**\*\*No Maryland federal judge can preside over this case.\*\***

## ## VII. DAMAGES FROM VOID ORDERS

Plaintiff has suffered concrete harm from complying with void orders:

### ### A. Monetary Damages

- Time spent researching compliance:  $40 \text{ hours} \times \$250 = \$10,000$
- Drafting notices required by void order:  $20 \text{ hours} \times \$250 = \$5,000$

- Court preparation: 10 hours  $\times$  \$250 = \$2,500
- Compliance with void Case Management Order: 15 hours  $\times$  \$250 = \$3,750
- Printing/copying costs: \$200
- Mailing costs: \$100
- Lost wages for court time: \$800
- Internet/legal research access: \$150
- Lost employment opportunities: \$5,000
- Educational disruption from forced proceedings: \$2,000
- Transportation costs with suspended license: \$500

#### ### B. Strategic Harm

- Delayed relief from garnishments (10 weeks  $\times$  \$130 = \$1,300)
- Continued license suspension preventing employment
- Credit damage from disputed reporting
- Witnesses accepting buyouts during delays
- Evidence at risk of destruction

#### ### C. Due Process Violations

- Forced to litigate before disqualified judge
- Deprived of impartial forum
- Subjected to discriminatory procedures
- Treated as quasi-prisoner despite free citizen status

**\*\*Total Damages: \$30,000 (before multiplier)\*\***

### ### D. Enhanced Damages for Conscious Discrimination

The Court's own docket proves bad faith:

- July 2: "Non-Prisoner" classification (Entry #11)
- July 8: Prisoner exceptions applied anyway (Entry #12)

This conscious discrimination after official recognition warrants enhanced damages.

**\*\*With Bad Faith Multiplier (2x): \$60,000\*\***

## ## VIII. THE APPEARANCE STANDARD

Under § 455(a), even the *\*appearance\** of partiality requires recusal. Here we have:

- ACTUAL defendant status in federal court
- ACTUAL conflict with Maryland government
- ACTUAL bias shown in Order's language
- ACTUAL harm to public confidence

This exceeds any standard for disqualification ever articulated.

## ## IX. RELIEF REQUIRED



WHEREFORE, Plaintiff respectfully requests:

1. **\*\*DECLARE** all orders VOID AB INITIO**\*\***
2. **\*\*STRIKE** all proceedings from record**\*\***
3. **\*\*AWARD** damages of \$60,804**\*\*** for compliance with void orders
4. **\*\*TRANSFER** to non-Maryland judge immediately**\*\***
5. **\*\*EXPEDITE** new proceedings**\*\*** given ongoing harm
6. **\*\*START FRESH\*\*** with unconflicted judge

**## X. NO DISCRETION EXISTS**

This Court has NO discretion to deny this motion. A federal defendant judge cannot preside over related litigation. Period. Every day of continuation deepens the violation and increases damages.

**\*\*Respectfully submitted,\*\***

/s/ Marvin Tutt

Marvin Tutt

Pro Se Plaintiff

Email: owner@caiatech.com

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

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## ## MEMORANDUM OF LAW

### ### I. VOID AB INITIO DOCTRINE

"A judgment is void if the court that rendered it lacked jurisdiction or if the judge was disqualified from presiding." *\*United States v. Balistrieri\**, 779 F.2d 1191, 1203 (7th Cir. 1985).

### ### II. STRUCTURAL DISQUALIFICATION

When disqualification is structural rather than personal, the appearance of impropriety is conclusive. *\*In re Murchison\**, 349 U.S. 133, 136 (1955) ("justice must satisfy the appearance of justice").

### ### III. NO WAIVER OF VOID ORDERS

Parties cannot waive or consent to void orders. Jurisdiction and judicial qualification are non-waivable. *\*Insurance Corp. of Ireland v. Compagnie des Bauxites\**, 456 U.S. 694, 702 (1982).

#### ### IV. DAMAGES FOR VOID PROCEEDINGS

When a judge acts without authority, damages are available:

- Time and expense of compliance
- Strategic prejudice
- Lost opportunities
- Emotional distress

\*Pulliam v. Allen\*, 466 U.S. 522 (1984).

#### ### V. THE MANDATE FOR IMMEDIATE ACTION

Every day this case proceeds before a disqualified judge:

- Deepens the due process violation
- Increases compensable damages
- Undermines public confidence
- Prejudices final resolution

Only immediate voidance and transfer can cure this fundamental defect.

#### ## PROPOSED ORDER

Upon consideration, all orders entered after June 24, 2025, are VOID AB INITIO due to judicial disqualification. This case shall be immediately transferred to a non-Maryland judge for all proceedings.

SO ORDERED.

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United States District Judge

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#### ## CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, I served a true and correct copy of the foregoing Motion to Declare All Orders Void Ab Initio Due to Judicial 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