

**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 INJUNCTIVE RELIEF AGAINST DISCRIMINATORY ELECTRONIC
FILING PRACTICES

****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 PERMANENT INJUNCTION

Plaintiff Marvin Tutt respectfully moves this Court for injunctive relief to remedy the District of Maryland's discriminatory electronic filing practices that deny pro se litigants equal access to justice in violation of the Constitution.

I. INTRODUCTION

The District of Maryland maintains a two-tier system of justice: attorneys enjoy instant electronic filing through CM/ECF while pro se litigants must use antiquated paper filing with wet signatures. This discrimination has no legitimate purpose and violates fundamental rights.

II. STATEMENT OF FACTS

A. The Discriminatory System

1. ****Attorneys receive****:

- Immediate CM/ECF access upon bar admission
- 24/7 electronic filing capability
- Instant document submission
- Electronic signatures accepted
- Immediate filing confirmation
- Direct access to docket entries

2. ****Pro se litigants must****:

- Print all documents
- Physically sign with wet ink
- Mail or hand-deliver filings
- Wait days for processing
- Guess if filings were received
- Pay for printing and postage

B. Plaintiff's Demonstrated Competence

Plaintiff has filed:

- Properly formatted federal complaint
- Complex motions with legal citations
- Documents indistinguishable from attorney filings
- All materials meeting or exceeding professional standards

Yet Plaintiff is denied the same filing access granted automatically to attorneys.

C. The Burden on Pro Se Litigants

This discrimination imposes severe hardships:

- **Financial**: Printing, mailing costs (Plaintiff has \$141.37)
- **Temporal**: Days-long delays in urgent matters
- **Practical**: Must travel with suspended license
- **Strategic**: Cannot respond quickly to time-sensitive filings
- **Procedural**: Risk of lost mailings, missed deadlines

III. LEGAL STANDARD FOR INJUNCTIVE RELIEF

To obtain permanent injunction, Plaintiff must show:

1. Actual success on the merits
2. Irreparable harm without injunction
3. Balance of hardships favors Plaintiff
4. Public interest supports relief

eBay Inc. v. MercExchange, 547 U.S. 388, 391 (2006).

IV. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS

A. Equal Protection Violation

The District's policy discriminates based on representation status without rational basis:

- No competency test for attorneys' CM/ECF access
- No competency assessment for pro se denial
- Blanket discrimination regardless of ability
- No legitimate government interest served

Under any level of scrutiny, this fails. **City of Cleburne v. Cleburne Living Center**, 473 U.S. 432 (1985).

B. Due Process Violation

Access to courts is a fundamental right. Arbitrary barriers violate due process:

- No individualized assessment
- No opportunity to demonstrate competence
- No appeal process
- No stated criteria for access

Boddie v. Connecticut, 401 U.S. 371 (1971) (access to courts is fundamental).

C. First Amendment Violation

The right to petition for redress includes meaningful access:

- Electronic filing is now standard practice
- Denying modern filing methods burdens speech
- No compelling interest justifies the burden

Bill Johnson's Restaurants v. NLRB, 461 U.S. 731 (1983).

V. IRREPARABLE HARM

Plaintiff suffers ongoing constitutional violations:

- Daily denial of equal protection
- Continued burden on court access
- Financial hardship from discriminatory system
- Lost opportunities for timely filing
- Degradation of fundamental rights

Constitutional violations constitute irreparable harm per se. *Elrod v. Burns*, 427 U.S. 347 (1976).

VI. BALANCE OF HARDSHIPS

****Harm to Plaintiff****: Constitutional violations, financial burden, access denial

****Harm to District****: None. The system already exists and operates for attorneys.

The balance overwhelmingly favors Plaintiff.

VII. PUBLIC INTEREST

The public interest demands:

- Equal justice for all litigants
- Removal of arbitrary barriers
- Modernization of court access
- Constitutional compliance
- Public confidence in fair procedures

Thousands of pro se litigants would benefit from ending this discrimination.

VIII. PROPOSED REMEDY

Plaintiff requests this Court enter judgment:

A. Declaratory Relief

Declare that denying CM/ECF access based solely on representation status violates:

- Equal Protection Clause

- Due Process Clause
- First Amendment
- Right of access to courts

B. Injunctive Relief

****1. Immediate Relief for Plaintiff**:**

Order Defendants to grant Plaintiff CM/ECF access within 48 hours

****2. Systemic Relief**:**

Enjoin the District of Maryland from:

- Denying CM/ECF access based solely on pro se status
- Requiring wet signatures from pro se litigants while accepting electronic signatures from attorneys
- Maintaining different filing procedures based on representation

****3. Prospective Relief**:**

Order implementation of fair access system:

- Competency-based assessment available to pro se litigants
- Clear, published criteria for CM/ECF access
- Appeal process for denials
- Training resources for qualified filers

C. Retention of Jurisdiction

Court retains jurisdiction to ensure compliance

IX. NO LEGITIMATE JUSTIFICATION EXISTS

Potential justifications fail scrutiny:

A. "Frivolous Filings" Concern

- Attorneys can file frivolously too
- Existing rules (Rule 11) address this
- Competency assessment would screen if needed
- Blanket ban is vastly overbroad

B. "Technical Complexity" Claim

- CM/ECF is user-friendly
- Attorneys receive minimal training
- Plaintiff demonstrates technical competence
- Many pro se litigants are highly educated

C. "Administrative Burden" Argument

- One-time setup is minimal
- System already processes attorney accounts
- Discriminatory burden on pro se filers is greater

- Constitutional rights outweigh minor inconvenience

X. THIS COURT HAS AUTHORITY

Federal courts have inherent authority to:

- Manage their procedures
- Ensure equal access
- Remedy constitutional violations
- Supervise clerk's office practices

Chambers v. NASCO, 501 U.S. 32 (1991).

XI. CONCLUSION

The District of Maryland cannot maintain a caste system where attorneys enjoy modern filing while pro se litigants use 19th-century methods. This discrimination serves no purpose except to burden the poor and unrepresented.

Plaintiff has demonstrated professional-quality filings yet faces denial of basic electronic access granted automatically to any barred attorney regardless of competence. This violates the Constitution's promise of equal justice.

The Court should end this discrimination today.

****WHEREFORE****, Plaintiff respectfully requests this Court:

1. ****GRANT**** this motion for injunctive relief
2. ****DECLARE**** the discriminatory practices unconstitutional
3. ****ENJOIN**** denial of CM/ECF access based on pro se status
4. ****ORDER**** immediate CM/ECF access for Plaintiff
5. ****REQUIRE**** implementation of fair access procedures
6. ****RETAIN**** jurisdiction to ensure compliance
7. ****AWARD**** any other relief deemed just and proper

****Respectfully submitted,****

/s/ Marvin Tutt

Marvin Tutt

Pro Se Plaintiff

5407 Brinkley Road

Temple Hills, MD 20748

Email: owner@caiatech.com

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

MEMORANDUM IN SUPPORT

I. THE TECHNOLOGICAL DIVIDE CREATES UNEQUAL JUSTICE

In 2025, requiring paper filings with wet signatures while others file electronically is akin to requiring some litigants to arrive by horse while others drive cars. The discrimination is that stark.

II. COMPETENCE, NOT REPRESENTATION STATUS, SHOULD GOVERN

If competence is the concern, test competence. Many pro se litigants are:

- Former attorneys
- Highly educated professionals
- Technical experts
- Experienced in litigation

Blanket discrimination assumes incompetence without evidence.

III. THE FINANCIAL IMPACT IS SEVERE

For indigent litigants, the costs compound:

- Paper: \$20-50 per filing

- Printing: \$0.10-0.25 per page
- Mailing: \$10-20 certified mail
- Transportation: Gas, parking, time

Multiply by dozens of filings. For someone with \$141.37, this is insurmountable.

IV. FEDERAL COURTS HAVE GRANTED SIMILAR RELIEF

Other districts have recognized that blanket CM/ECF bans violate rights:

- Some allow pro se CM/ECF with training
- Others use competency assessments
- Many recognize the discrimination issue

Maryland remains an outlier.

V. THE PUBLIC INTEREST IS CLEAR

Equal justice under law requires equal access to justice systems. Public confidence erodes when courts maintain visible discrimination between represented and unrepresented parties.

VI. IMMEDIATE RELIEF IS WARRANTED

Every day of delay perpetuates constitutional violations. With modern technology, there is no excuse for maintaining this discriminatory system.

PROPOSED ORDER

Upon consideration of Plaintiff's Motion for Injunctive Relief, and finding that Plaintiff has demonstrated likelihood of success on the merits, irreparable harm, and that the public interest favors relief, it is hereby:

****ORDERED**** that Defendants shall:

1. Grant Plaintiff Marvin Tutt CM/ECF filing privileges within 48 hours;
2. Cease denying CM/ECF access based solely on pro se status;
3. Implement procedures within 90 days for pro se litigants to obtain CM/ECF access based on demonstrated competence rather than representation status;
4. File a compliance report within 120 days.

The Court retains jurisdiction to ensure compliance with this Order.

SO ORDERED.

United States District Judge

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, I served a true and correct copy of the foregoing Motion for Injunctive Relief Against Discriminatory Electronic Filing Practices 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