

**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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# EMERGENCY MOTION FOR DISCOVERY OF JUDICIAL COMMUNICATIONS AND  
RECORDS

**\*\*UNITED STATES DISTRICT COURT\*\***

**\*\*DISTRICT OF MARYLAND\*\***

**\*\*MARVIN TUTT,\*\***

**\*Plaintiff,\***

**v.**

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

**\*\*REGINA ROBINSON, et al.,\*\***

**\*Defendants.\***

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## **## EMERGENCY MOTION FOR DISCOVERY OF JUDICIAL COMMUNICATIONS AND RECORDS REGARDING CASE ASSIGNMENT, MANAGEMENT, AND PLAINTIFF**

**\*\*COMES NOW\*\*** Plaintiff Marvin Tutt, proceeding pro se, respectfully moves this Court for immediate discovery of all communications and records relating to this case, its assignment, and its management, stating:

### **## I. INTRODUCTION**

This motion seeks discovery essential to Plaintiff's pending recusal motions and discrimination claims. The July 8, 2025 Case Management Order—issued sua sponte before any defendant appeared—contains such extraordinary irregularities that discovery of the decision-making process is necessary for the fair administration of justice.

### **## II. LEGAL AUTHORITY**

1. **\*\*Due Process Right\*\***: The Fifth Amendment guarantees impartial tribunals. Discovery revealing bias is essential to vindicate this right.

2. **Federal Rules**: Rule 26(b)(1) permits discovery "relevant to any party's claim or defense and proportional to the needs of the case."

3. **Recusal Standards**: Under 28 U.S.C. § 455, discovery of judicial bias is necessary to establish grounds for disqualification.

4. **Civil Rights Actions**: 42 U.S.C. § 1983 claims require discovery of discriminatory intent and pattern.

### ## III. SPECIFIC DISCOVERY REQUESTED

**IMPORTANT**: Each category below is severable and independent. The Court should consider each category on its own merits. Denial of one category should not affect consideration of others.

Plaintiff seeks immediate production of:

#### ### A. Case Assignment Communications

1. All emails, memos, or communications regarding assignment of this case
2. Any discussions about which judge should handle this matter
3. Communications with the Clerk's office about case assignment
4. Any reassignment discussions or considerations

#### ### B. Case Management Order Development

1. All drafts of the July 8, 2025 Case Management Order
2. Communications regarding which template to use
3. Any discussions about applying "prisoner" exceptions
4. Internal memoranda about pro se case management
5. Emails/notes explaining the urgency of issuing order before defendants appeared

#### ### C. Communications About Plaintiff

1. Any emails, texts, or messages mentioning "Tutt," "Marvin," or this case number
2. Communications characterizing Plaintiff or his filings
3. Any discussions about Plaintiff's pro se status
4. References to Plaintiff's address, background, or circumstances

#### ### D. Coordination with Other Parties

1. Any communications with Maryland state officials about this case
2. Communications with other federal judges about this matter
3. Any ex parte communications with potential defendants
4. Discussions about the June 24, 2025 DOJ lawsuit against Maryland judges

#### ### E. Bias-Related Communications

1. Any communications about pro se litigants generally
2. Discussions about "unnecessary and costly motions"

3. Communications revealing prejudgment of Plaintiff's claims
4. Any jokes, derogatory comments, or bias indicators

#### ### F. Technical Records

1. Computer access logs for case docket
2. Time spent reviewing Plaintiff's filings
3. Research conducted on Plaintiff
4. Any background checks or investigations

#### ### G. Pattern Evidence - Case Management Orders

1. **\*\*All Case Management Orders issued by Judge Chuang in cases with pro se plaintiffs\*\***  
(2020-present)
2. **\*\*A representative sample of Case Management Orders from other judges in pro se cases\*\***  
(2020-present)

**\*\*Purpose\*\***: To establish whether:

- Prisoner templates are routinely used for non-prisoners
- Pro se plaintiffs receive disparate treatment
- Pattern of discrimination exists across the district
- Judge Chuang's restrictions are unusually harsh
- Systemic bias pervades Maryland federal courts

#### ### H. Statistical Data on Case Outcomes

\*\*[SEVERABLE - May be produced in anonymized form]\*\*

1. Dismissal rates: pro se vs. represented parties (2020-present)
2. Average time to disposition by representation status
3. Settlement amounts by representation status
4. Appeal success rates by representation status
5. Emergency motion grant rates by party type
6. IFP application approval/denial rates
7. Sanction frequency against pro se vs. represented parties

#### ### I. Training and Policy Documents

\*\*[SEVERABLE - Public interest in court procedures]\*\*

1. All training materials regarding pro se litigant handling
2. Clerk's office procedures for screening pro se filings
3. Any "red flag" or "frequent filer" identification guides
4. Internal policies on case assignment overrides
5. Guidelines for identifying "vexatious" litigants
6. Procedures for sua sponte case management orders

#### ### J. Case Assignment and Screening Records

\*\*[SEVERABLE - Administrative records]\*\*

1. Logs showing when random case assignment is overridden
2. Records of who authorizes assignment changes

3. Screening notes on pro se filings before judicial review
4. Any databases or lists of "problem" litigants
5. Communications about case reassignments

#### ### K. Financial Orders and Fee Data

**\*\*[SEVERABLE - Public financial records]\*\***

1. Cost orders imposed on pro se litigants vs. represented parties
2. Fee waiver denial explanations
3. Sanctions imposed by party representation type
4. Court reporter fee waivers granted/denied statistics

**\*\*SEVERABILITY NOTICE\*\***: Each lettered category (A through K) represents an independent discovery request. The Court may grant or deny each category separately based on its individual merits. Plaintiff maintains that all categories are relevant and necessary, but acknowledges the Court's discretion to parse these requests individually.

#### ## IV. RELEVANCE AND NECESSITY

This discovery is essential because:

##### ### A. Recusal Motion Support

The requested communications will reveal:

- Whether bias influenced case management decisions

- If improper considerations affected the July 8 order
- Whether coordination with conflicted parties occurred
- The true reason for prisoner exception inclusion

#### ### B. Discrimination Claims

Discovery may show:

- Pattern of treating pro se plaintiffs differently
- Racial or class-based assumptions
- Predetermined outcome based on plaintiff identity
- Systemic bias in case assignments

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

Communications may reveal:

- Prejudgment before defendants appeared
- Ex parte influences
- Denial of impartial tribunal
- Procedural discrimination

### ## V. SCOPE AND PROPORTIONALITY

**\*\*Time Period\*\***: June 23, 2025 (filing date) to present

**\*\*Sources\*\***:



- Court email systems
- Chamber communications
- Text messages on court devices
- Internal memoranda
- Calendar entries
- Draft documents

**\*\*Proportionality\*\***: The minimal burden of producing emails is vastly outweighed by Plaintiff's fundamental right to an impartial tribunal.

## **## VI. WAIVER OF JUDICIAL PRIVILEGE**

Any judicial privilege is waived when:

1. Judge becomes witness to own bias
2. Communications show criminal conduct
3. Civil rights violations are alleged
4. Recusal issues are raised

See *\*United States v. Nixon\**, 418 U.S. 683 (1974) (no privilege for communications showing wrongdoing).

## **## VII. EMERGENCY NATURE**

Immediate discovery is necessary because:

1. Ongoing proceedings before potentially biased judge
2. Weekly garnishments causing irreparable harm
3. Evidence preservation concerns
4. Right to impartial tribunal is fundamental

#### ## VIII. PLAINTIFF'S PROPOSAL

To expedite this matter, Plaintiff proposes:

1. In camera review by another judge if privilege claimed
2. Redaction of truly sensitive information
3. Protective order if necessary
4. Expedited production within 7 days

#### ## IX. CONSEQUENCES OF DENIAL

If this motion is denied or struck:

1. Creates appearance of cover-up
2. Strengthens inference of bias
3. Provides grounds for mandamus
4. Supports criminal referral
5. Violates fundamental fairness

## ## X. ALTERNATIVE RELIEF

If the Court is reluctant to grant all discovery, Plaintiff requests IN THE ALTERNATIVE:

1. **PARTIAL GRANT**: Award any categories the Court deems appropriate
2. **PHASED DISCOVERY**: Start with least sensitive categories (H, I, J)
3. **IN CAMERA REVIEW**: Judge reviews materials privately first
4. **ANONYMIZED DATA**: Statistical information with names redacted
5. **SAMPLING**: Representative samples rather than all documents
6. **MAGISTRATE REFERRAL**: Let neutral magistrate handle discovery disputes

## ## XI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court:

1. **ORDER** immediate production of all requested communications and records
2. **ALTERNATIVELY**, grant any combination of categories A through K
3. **APPOINT** a Special Master if necessary to review materials
4. **REQUIRE** production within 7 days for granted categories
5. **PRESERVE** all potentially relevant materials immediately
6. **TRANSFER** this motion to another judge given obvious conflict
7. **AWARD** any other relief deemed just and proper

## XI. VERIFICATION

I, Marvin Tutt, verify under penalty of perjury that the facts stated in this motion are true and correct to the best of my knowledge and belief.

**\*\*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

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## CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, I filed this motion with the Court's ECF system and served copies on all parties of record.

/s/ Marvin Tutt

Marvin Tutt

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## ## MEMORANDUM OF LAW IN SUPPORT

### ### I. JUDICIAL COMMUNICATIONS ARE DISCOVERABLE

While judges enjoy immunity for judicial acts, their communications are not absolutely privileged when:

- Bias allegations are raised
- Recusal motions are pending
- Civil rights violations are alleged
- Criminal conduct is suspected

### ### II. THE REVERSE DISCRIMINATION SMOKING GUN

Exception #7 EXEMPTS prisoner cases from restrictions, yet these restrictions were imposed on Plaintiff, a non-prisoner. This reverse discrimination—treating prisoners more favorably than free citizens—creates such a strong inference of bias that discovery is warranted to determine:

- Why prisoners receive exemptions denied to non-prisoners
- Who decided to treat free citizens worse than prisoners

- What justified this inverted discrimination
- Whether conscious bias motivated this hierarchy

### ### III. SUA SPONTE TIMING REQUIRES EXPLANATION

Issuing restrictive case management orders before any defendant appears is so unusual that discovery is needed to understand:

- The urgency felt by the Court
- Whether external pressure existed
- If coordination occurred
- Why normal procedures were abandoned

### ### IV. FEDERAL DEFENDANT STATUS COMPOUNDS NEED

Judge Chuang's status as defendant in DOJ litigation makes discovery even more critical to determine if:

- Defensive motivations influenced decisions
- Coordination with co-defendants occurred
- Conflict of interest affected judgment
- Bias against civil rights plaintiffs exists

### ### V. CONCLUSION

The extraordinary irregularities in this case—prisoner exceptions for non-prisoners, sua sponte restrictions before defendants appear, federal defendant presiding—create such overwhelming appearance of bias that discovery is essential for justice.

Denying this motion would effectively announce that judicial bias is unreviewable, even when documented in written orders. That cannot be the law in America.

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\*\*\*"Sunlight is said to be the best of disinfectants."\*\* - Justice Louis Brandeis