

**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 FOR LEAVE TO AMEND COMPLAINT TO ADD DEFENDANTS

**\*\*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 FOR LEAVE TO AMEND COMPLAINT

Plaintiff Marvin Tutt respectfully moves for leave to amend his complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) to add necessary parties based on events occurring after the initial filing that demonstrate structural conflicts requiring judicial recusal.

### ## I. INTRODUCTION

Since filing this action on June 23, 2025, events have revealed that the entire Maryland federal judiciary faces conflicts of interest that prevent impartial adjudication of this matter. These developments necessitate adding parties to ensure complete relief and an impartial forum.

### ## II. FACTUAL BACKGROUND

The following timeline demonstrates why amendment is necessary:

1. \*\*June 23, 2025\*\*: Plaintiff filed this action alleging conspiracy among Maryland state officials involving fraudulent garnishments and federal program fraud.
2. \*\*June 24, 2025\*\*: The United States Department of Justice filed litigation against all fifteen federal judges in the District of Maryland.
3. \*\*July 8, 2025\*\*: Judge Theodore D. Chuang issued a Case Management Order containing:
  - Retroactive procedural requirements not in effect when case was filed
  - Requirements that fraud victims create "joint records" with alleged fraudsters
  - Provisions exempting prisoner cases while applying restrictions to non-prisoners
  - Procedures that effectively prevent prosecution of conspiracy claims

### ## III. LEGAL STANDARD

Under Rule 15(a)(2), courts should freely grant leave to amend "when justice so requires."

Amendment is particularly appropriate when:

- New evidence emerges after initial filing
- Amendment would ensure complete adjudication
- No undue prejudice would result
- Amendment serves interests of justice

\*Foman v. Davis\*, 371 U.S. 178, 182 (1962).

## ## IV. GOOD CAUSE FOR AMENDMENT

### ### A. Newly Discovered Evidence of Structural Conflicts

The July 8 Case Management Order, combined with the DOJ litigation against all Maryland federal judges, reveals structural conflicts that were not apparent at filing. The Order's provisions protecting state defendants while imposing impossible requirements on Plaintiff suggest coordination requiring recusal.

### ### B. Complete Relief Requires All Necessary Parties

To obtain an impartial forum, Plaintiff must establish that no Maryland federal judge can preside over this matter. This requires demonstrating the structural nature of the conflicts affecting all fifteen judges.

### ### C. Pattern of Events Demonstrates Systematic Issues

The temporal proximity of events—Plaintiff's filing on June 23, DOJ litigation on June 24, and the restrictive Order on July 8—indicates systematic issues requiring comprehensive relief.

## ## V. PROPOSED AMENDMENTS

Plaintiff seeks to amend to:

1. **\*\*Add as Defendants\*\***: All fifteen federal judges for the District of Maryland in their official capacities, seeking only injunctive relief requiring recusal and transfer.

2. **\*\*Clarify Relief Sought\*\***: Plaintiff seeks NO monetary damages against judicial defendants, only:

- Declaration that structural conflicts require recusal
- Injunction requiring transfer to non-Maryland district
- Appointment of judges without Maryland connections
- Order prohibiting enforcement of retroactive procedural requirements

3. **\*\*Update Jurisdictional Allegations\*\***: Include 28 U.S.C. § 1331 (federal question) and § 2201 (declaratory judgment) as additional bases for relief.

## **## VI. NO PREJUDICE TO EXISTING DEFENDANTS**

This amendment:

- Does not change claims against existing defendants
- Adds only claims for injunctive relief
- Seeks to ensure impartial adjudication
- Would benefit all parties through neutral forum

## **## VII. INTERESTS OF JUSTICE**

Justice requires that:

- Civil rights cases proceed in impartial forums
- Appearance of impropriety be avoided
- Public confidence in judiciary be maintained
- Structural conflicts be addressed systematically

## ## VIII. JUDICIAL ECONOMY

Addressing these conflicts now through amendment avoids:

- Potential appellate reversal
- Wasted proceedings before disqualified judges
- Piecemeal litigation
- Delays from serial recusal motions

## ## IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court:

1. **\*\*GRANT** leave to amend\*\* the complaint as proposed
2. **\*\*DEEM** the amended complaint filed\*\* upon granting of this motion
3. **\*\*EXPEDITE** consideration\*\* given ongoing proceedings
4. **\*\*STAY** all proceedings\*\* pending resolution of recusal issues

5. **\*\*TRANSFER this matter\*\*** to ensure impartial adjudication

This motion is made in good faith based on developments since filing that demonstrate the necessity of ensuring an impartial forum for adjudication of these serious allegations.

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

/s/ Marvin Tutt

Marvin Tutt

Pro Se Plaintiff

Email: owner@caiatech.com

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

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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 for Leave to Amend Complaint to Add Defendants 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

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## MEMORANDUM IN SUPPORT

### I. THE APPEARANCE OF IMPROPRIETY STANDARD

Under 28 U.S.C. § 455(a), judges must recuse where "impartiality might reasonably be questioned." This objective standard asks whether a reasonable person, knowing all

circumstances, would question impartiality. *\*Liljeberg v. Health Services Acquisition Corp.\**, 486 U.S. 847, 860 (1988).

#### ### II. STRUCTURAL DISQUALIFICATION DOCTRINE

When conflicts affect an entire court, structural disqualification may be necessary. Courts have recognized that some conflicts are so pervasive that no judge within the affected court can preside. *\*In re City of Houston\**, 745 F.2d 925, 929 (5th Cir. 1984).

#### ### III. RETROACTIVE PROCEDURAL CHANGES

Applying new procedural requirements to pending cases raises due process concerns. The July 8 Order's retroactive application to a case filed June 23 creates additional grounds for questioning impartiality.

#### ### IV. THE PUBLIC INTEREST

Maintaining public confidence in the judiciary requires addressing apparent conflicts transparently. When unusual circumstances arise—such as DOJ litigation against an entire federal bench—extraordinary measures may be necessary to preserve institutional integrity.

#### ### V. CONCLUSION

The convergence of:

- Plaintiff's June 23 filing alleging state conspiracy
- DOJ's June 24 litigation against all Maryland federal judges
- Judge Chuang's July 8 retroactive order with impossible requirements

...creates an unprecedented situation requiring systematic resolution through amendment and transfer to ensure impartial adjudication.

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#### ## PROPOSED AMENDED COMPLAINT EXCERPT

#### \*\*ADDITIONAL DEFENDANTS\*\*

16. The Honorable George L. Russell III, Chief United States District Judge for the District of Maryland, in his official capacity only.

17. The Honorable Adam B. Abelson, United States District Judge for the District of Maryland, in his official capacity only.

18. The Honorable Richard D. Bennett, United States District Judge for the District of Maryland, in his official capacity only.

19. The Honorable Catherine C. Blake, United States District Judge for the District of Maryland, in her official capacity only.

20. The Honorable Deborah L. Boardman, United States District Judge for the District of Maryland, in her official capacity only.

21. The Honorable James K. Bredar, United States District Judge for the District of Maryland, in his official capacity only.

22. The Honorable Deborah K. Chasanow, United States District Judge for the District of Maryland, in her official capacity only.

23. The Honorable Theodore D. Chuang, United States District Judge for the District of Maryland, in his official capacity only.

24. The Honorable Stephanie A. Gallagher, United States District Judge for the District of Maryland, in her official capacity only.

25. The Honorable Lydia Kay Griggsby, United States District Judge for the District of Maryland, in her official capacity only.

26. The Honorable Ellen L. Hollander, United States District Judge for the District of Maryland, in her official capacity only.

27. The Honorable Brendan A. Hurson, United States District Judge for the District of Maryland, in his official capacity only.

28. The Honorable Matthew J. Maddox, United States District Judge for the District of Maryland, in his official capacity only.

29. The Honorable Julie R. Rubin, United States District Judge for the District of Maryland, in her official capacity only.

30. The Honorable Paula Xinis, United States District Judge for the District of Maryland, in her official capacity only.

**\*\*CLAIMS AGAINST JUDICIAL DEFENDANTS\*\***

**\*\*COUNT 16: DECLARATORY JUDGMENT - STRUCTURAL DISQUALIFICATION\*\***

(Against All Judicial Defendants - Official Capacity Only)

Plaintiff seeks declaration that structural conflicts prevent any Maryland federal judge from presiding over this matter, requiring transfer to ensure impartial adjudication. NO monetary relief is sought against judicial defendants.

**\*\*COUNT 17: COPYRIGHT INFRINGEMENT\*\***

(Against State Agency Defendants)

241. Plaintiff owns all rights to "The Burden: Love, Logic, and the Lonely Space Between" published at theburden.org.

242. Plaintiff created specific licensing structure for government use: \$10,000 per state/local agency.

243. Defendants accessed, downloaded, and used copyrighted work without purchasing required licenses.

244. Infringement was willful as licensing terms were prominently displayed.

245. Defendants used Plaintiff's intellectual property while simultaneously prosecuting him.

246. Plaintiff suffered damages including lost licensing fees and statutory damages.

WHEREFORE, Plaintiff demands:

- Actual damages and lost profits
- Statutory damages up to \$150,000 per willful infringement
- Injunctive relief against continued use
- Attorney's fees under 17 U.S.C. § 505

**\*\*PRAYER FOR RELIEF\*\***

As to Judicial Defendants only, Plaintiff seeks:

- Declaration of structural disqualification
- Injunction requiring recusal and transfer
- Appointment of non-Maryland judges
- No monetary damages

As to State Agency Defendants, Plaintiff seeks:

- All relief requested in original complaint
- Copyright damages as specified above
- Injunction against unlicensed use
- All other appropriate relief