

No. 25-1162

IN THE
IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Ryan Dillon-Capps

Plaintiff-Appellant,

v.

Ohana Growth Partners, LLC et al.,

Defendants-Appellees.

On Appeal from
the U.S. District Court
for the District of Maryland

No. 1:24-CV-3744

Ryan Dillon-Capps Affidavit of Fourth Circuit Court Record

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Introduction

I, Ryan Dillon-Capps (née Wagner), the Plaintiff-Appellant-Petitioner, being over the age of eighteen (18), competent to testify, and having personal knowledge of the facts contained herein, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

I Exhibit 401A

As shown in Exhibit 401A, at 1, the screenshot taken on Friday June 6, 2025, at 2:19 a.m. shows what I discovered upon logging into PACER for the Fourth Circuit Court of Appeals and viewing Court of Appeals Docket No. 25-1162. The following filings are missing a hyperlink to their respective court record entries:

1. Circuit ECF 34-1: Affidavit of Judicial Complaint and Chief Judge Diaz's May 27, 2025, Order Confirming Docketing Directives and Incomplete Court Record;
2. Circuit ECF 34-2: Exhibit 205A—Judicial Complaint: May 27, 2025, Memorandum and Order from the Fourth Circuit Court of Appeals' Chief Judge;
3. Circuit ECF 34-3: Exhibit 205B—Judicial Complaint: April 30, 2025, Submission Email;
4. Circuit ECF 35: Motion to disqualify Chief Judge Diaz on the basis that he is a material witness who will be deposed and likely called to testify;

5. Circuit ECF 36: Motion requesting the Fourth Circuit Court to direct the District Court to correct the court record.

As shown in Exhibit 401A, at 2, the screenshot taken on Saturday June 7, 2025, at 1:59 a.m. shows the PACER record for the Fourth Circuit Court of Appeals for Court of Appeals Docket No. 25-1162, after I filed my motion seeking a ruling to disqualify District Court Judge Brendan A. Hurson and reassign the case outside the Fourth Circuit on June 7, 2025, at 1:54 a.m. The motion was docketed in the Fourth Circuit Court as Circuit ECF 37, and the hyperlink was available and worked.

As shown in Exhibit 401A, at 3, the screenshot taken on Monday June 9, 2025, at 11:44 a.m. shows what I discovered upon logging into PACER for the Fourth Circuit Court of Appeals and viewing Court of Appeals Docket No. 25-1162. The hyperlink for Circuit ECF 37 is missing.

As shown in Exhibit 401A, at 4, the screenshot taken on Monday June 9, 2025, at 5:47 p.m. shows the PACER record for the Fourth Circuit Court of Appeals for Court of Appeals Docket No. 25-1162, after I filed my motion seeking to vacate under FRCP 60(b)(4) on June 9, 2025, at 5:45 p.m. The motion was docketed in the Fourth Circuit Court as Circuit ECF 38, and the hyperlink was available and worked.

As shown in Exhibit 401A, at 5, the screenshot taken on Tuesday June 10, 2025, at 3:50 a.m. shows the PACER record for the Fourth Circuit Court of Appeals for Court of Appeals Docket No. 25-1162, after I filed my formal notice to Ohana Growth Partners, LLC, Miles & Stockbridge P.C., the State of Maryland, and the U.S. Government on June 10, 2025, at 3:49 a.m. The notice was docketed in the Fourth Circuit Court as Circuit ECF 39, and the hyperlink was available and worked.

As shown in Exhibit 401A, at 6, the screenshot taken on Tuesday June 10, 2025, at 11:44 a.m. shows what I discovered upon logging into PACER for the Fourth Circuit Court of Appeals and viewing Court of Appeals Docket No. 25-1162. The hyperlink for Circuit ECF 38 is missing, but the hyperlink for Circuit ECF 29 was available and worked.

As shown in Exhibit 401A, at 7, the screenshot taken on Tuesday, June 10, 2025, at 10:35 p.m. shows the call log for Tuesday June 10, 2025, to (804) 916-2704—the Clerk’s Office for the Fourth Circuit Court of Appeals.

During my first call at 2:11 p.m., lasting 31 seconds, I asked for Karen Stump, my case manager, and was transferred to her voicemail, which stated that she would be out of the office until Wednesday, June 11, 2025.

During my second call at 2:12 p.m., lasting 9 minutes and 23 seconds, I spoke with “Kierstan,” and during this call she stated, “they are not deleted.”

Kierstan confirmed that no order was docketed and that the public record also did not have something to click. She suggested that I speak with her supervisor, but after a brief hold, she said she was going to instead transfer me to the Help Desk to see if they could fix the permissions issue. I left a voicemail with the Help Desk and have not received a call or email from them.

During my third call at 2:21 p.m., lasting 5 minutes and 26 seconds, I spoke with “Ameisha,” and during this call she stated, “they are restricted.” When I inquired about the absence of a court order, she said that sometimes court records are restricted for other reasons. Ameisha stated that I would need to wait to speak with my case manager, Karen Stump, when she returned tomorrow. She added that the Help Desk would likely tell me there is nothing they can do. I asked to speak with her supervisor, and Ameisha transferred me to the voicemail of what I believe was identified as belonging to the Section 2 supervisor. I left a voicemail and have not received a call or email from them.

Exhibit 401A – Restricted Fourth Circuit Court Record (June 10, 2025):
pp. 1–6: Screenshots of restricted docket entries in Court of Appeals Docket No. 25-1162:

- Circuit ECF 34-1 (Affidavit);
- Circuit ECF 34-2 (Exhibit 205A – May 27, 2025, Memorandum and Order);
- Circuit ECF 34-3 (Exhibit 205B – April 30, 2025, Judicial Complaint Email);
- Circuit ECF 35 (Motion to Disqualify Chief Judge Diaz – Material Witness);
- Circuit ECF 36 (Motion to Correct Court Record);
- Circuit ECF 37 (Motion to Disqualify Judge Hurson and Reassign);

- Circuit ECF 38 (Motion to Vacate).
- p. 7: Call log dated June 10, 2025, documenting communications with the Clerk's Office for the Fourth Circuit Court of Appeals.

II Exhibit 401C

As shown in Exhibit 401C, at 1, the screenshot taken on Saturday, June 7, 2025, at 2:26 a.m. depicts the PACER docket for the Fourth Circuit Court of Appeals in *Court of Appeals Docket No. 25-1614*. Entry No. 4 is labeled “(ENTRY RESTRICTED)” and has a lock icon next to it. Entry No. 5 states: “Docket correction requested from Kenneth F. Klein... Access to brief has been restricted to case participants.” All entries have a hyperlink to the document.

As shown in Exhibit 401C, at 2, the screenshot taken on Saturday, June 7, 2025, at 2:28 a.m. depicts the PACER docket for the Fourth Circuit Court of Appeals in *Court of Appeals Docket No. 25-1616*. The case originates from IRS-1. Entry No. 2 states: “IFP-APPLICATION... (court access only) by Leroy Commander, Sr.” and does not have a hyperlink. Entry No. 6 states: “US TAX COURT RECORD” and includes both a hyperlink and a lock icon.

As shown in Exhibit 401C, at 3, the screenshot taken on Saturday, June 7, 2025, at 2:33 a.m. depicts the PACER docket for the Fourth Circuit Court of Appeals in *Court of Appeals Docket No. 25-1632*. The case originates from the Board of Immigration Appeals. The first docket entry has no hyperlink but does display a lock icon and states: “Immigration petition for

review case docketed.” Entries Nos. 1–3 and 6–7 all include hyperlinks and lock icons. The remaining entries are orders from the court.

As shown in Exhibit 401C, at 4, the screenshot taken on Saturday, June 7, 2025, at 2:35 a.m. depicts the PACER docket for the Fourth Circuit Court of Appeals in *Court of Appeals Docket No. 25-1635*. The case also originates from the Board of Immigration Appeals. The first docket entry has no hyperlink but displays a lock icon and states: “Immigration petition for review case docketed.” Entries Nos. 1–2 and 7–8 all include hyperlinks and lock icons. Entry No. 3 states: “IFP-Application” and does not have a hyperlink. The remaining entries are orders from the court.

As shown in Exhibit 401C, at 5, the screenshot taken on Saturday, June 7, 2025, at 2:36 a.m. depicts the PACER docket for the Fourth Circuit Court of Appeals in *Court of Appeals Docket No. 25-1638*. Entry No. 5 states: “IFP-Application” and does not have a hyperlink. All other entries include hyperlinks.

As shown in Exhibit 401C, at 6, the screenshot taken on Saturday, June 7, 2025, at 2:37 a.m. depicts the PACER docket for the Fourth Circuit Court of Appeals in *Court of Appeals Docket No. 25-1642*. The case originates from the Board of Immigration Appeals. The second docket entry has no hyperlink but does display a lock icon and states: “Immigration petition for

review case docketed.” Entries Nos. 1 and 3–5 all include hyperlinks and lock icons. Entry No. 2 states: “Electronic filing fee paid.”

Exhibit 401C—Other Fourth Circuit Court Case Records

p.1: Docket No. 25-1614: Entry No. 4 labeled “(ENTRY RESTRICTED)” with lock icon; Entry No. 5 reflects restricted access to brief per Kenneth F. Klein.

p.2: Docket No. 25-1616: Entry No. 2 (“IFP-APPLICATION... (court access only)”) lacks hyperlink; Entry No. 6 labeled “US TAX COURT RECORD” includes lock icon and hyperlink.

p.3: Docket No. 25-1632: Second docket entry (“Immigration petition for review case docketed”) lacks hyperlink, includes lock icon; Entries Nos. 1–3, 6–7 display hyperlinks and locks.

p.4: Docket No. 25-1635: First docket entry (“Immigration petition for review case docketed”) lacks hyperlink and includes lock icon; Entries Nos. 1–2, 7–8 display hyperlinks and locks; Entry No. 3 (“IFP-Application”) has no hyperlink.

p.5: Docket No. 25-1638: Entry No. 5 (“IFP-Application”) has no hyperlink; all other entries are accessible.

p.6: Docket No. 25-1642: Second docket entry (“Immigration petition for review case docketed”) lacks hyperlink and includes lock icon; Entry No. 2 (“Electronic filing fee paid”) included; Entries Nos. 1, 3–5 include hyperlinks and lock icons.

Declaration of Affirmation

I solemnly declare and affirm under penalty of perjury, based on my personal knowledge, that the contents of the foregoing affidavit and all accompanying exhibits are true and correct to the best of my knowledge.

June 11, 2025

/s/ Ryan Dillon-Capps

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