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OPINION OF THE UNITED STATES COURT OF
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(FEBRUARY 25, 2021)

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

EMMANUEL EDOKOBI,

Plaintiff-Appellant,

v.

JUDGE PAUL W. GRIMM,

Defendants-Appellee.

No. 20-1271

Appeal from the United States District Court for the
District of Maryland, at Greenbelt. George Jarrod
Hazel, District Judge. (8:19-cv-00905-GJH)

Before: MOTZ, KEENAN, and HARRIS,
Circuit Judge.

PER CURIAM:

Emmanuel Edokobi appeals the district court's order denying his motion for recusal and granting Defendant's motion to dismiss his civil action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Edokobi v. Grimm*, No. 8:19-cv-00905-GJH (D. Md. Mar. 4, 2020). We dispense with oral argu-

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ment because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

MEMORANDUM OPINION OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(MARCH 4, 2020)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

EMMANUEL EDOKOBI,

Plaintiff,

v.

JUDGE PAUL W. GRIMM,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,

Defendant.

Case No.: GJH-19-905

Before: George J. HAZEL, United States District
Judge.

Plaintiff Emmanuel Edokobi ("Plaintiff") brought this *pro se* action in the Circuit Court for Montgomery County, Maryland against U.S. District Judge Paul W. Grimm ("Judge Grimm") in his individual and official capacities.¹ ECF No. 3. Plaintiff alleges that

¹ The Court recognizes the potential conflict in resolving a case involving one of its colleagues. However, given that it is clear that no reasonable jurist could find legal merit in Plaintiff's claims,

Judge Grimm has violated his rights under the federal and Maryland Constitutions by failing to issue a final order with respect to a prefiling injunction against Plaintiff that Judge Grimm proposed in a case Plaintiff filed in 2013. ECF No. 3. Judge Grimm removed Plaintiff's Complaint to this Court, ECF No. 1, and has now moved to dismiss it on multiple grounds, ECF No. 12. Plaintiff has opposed the Motion to Dismiss and has filed a motion to disqualify Judge Grimm from two other pending cases by Plaintiff over which he is presiding. No hearing is necessary. *See* Loc. Rule 105.6. (D. Md.). For the following reasons, the Court will deny Plaintiff's motion to disqualify Judge Grimm and will grant Defendant's Motion to Dismiss this case.

I. Background

Because Plaintiff's *pro se* Complaint is at times difficult to read and largely recounts proceedings in prior litigation, the Court will take judicial notice of filings in those cases and describe their contents here, adding allegations from the Complaint when relevant. *See Strickland-Lucas v. Citibank, N.A.*, 256 F. Supp. 3d 616, 623 (D. Md. 2017) (explaining that courts may take judicial notice of docket entries, pleadings, and papers in other cases without converting a motion to dismiss to one for summary judgment). On December 9, 2013, Plaintiff filed a Complaint in this Court against M & M Mortgage Services Inc. ("M & M"), its account manager Juan Gonzalez, and a second corporation, Mortgage Specialist Inc. Complaint, *Edokobi v. M & M Mortg. Servs., Inc.*, No. PWG-13-3707 (Dec. 9,

the Court will spare a sister jurisdiction the burden of having this matter transferred to it and will resolve the claim herein.

2013) (“*M & M*”), ECF No. 1.² The suit was assigned to Judge Grimm. *M & M* and Gonzalez moved to dismiss the case and for sanctions against Plaintiff, who opposed both motions. *M & M*, ECF Nos. 5, 12, 13, 14, 16, 17. Plaintiff also filed a Motion for Default Judgment against Mortgage Specialist Inc. after it failed to appear. ECF No. 15.

On October 22, 2014, Judge Grimm issued a Memorandum Opinion and an Order disposing of the motions. *M & M*, ECF No. 19; *Edokobi v. M & M Mortg. Servs., Inc.*, No. PWG-13-3707, 2014 WL 5393527 (D. Md. Oct. 22, 2014). The Opinion recounted the facts alleged in Plaintiff’s Complaint in that case, which centered around a single-family home that Plaintiff owned in Potomac, Maryland. *M & M Mortg. Servs.*, 2014 WL 5393527, at *1. According to the Complaint, the defendants, under orders from loan servicing company Litton Loan Servicing LP (“Litton”), inspected the property, winterized and locked the house, and removed Plaintiff’s belongings. *Id.* Plaintiff had sued Litton for those acts in 2011 but the Court granted summary judgment in Litton’s favor. *Id.* Plaintiff had then filed suit against eight financial institutions alleging that they were responsible for the acts at the Potomac property, but that case was dismissed with prejudice. *Id.*³ In the new case before Judge Grimm, the

² Plaintiff’s Complaint erroneously asserts that the case was filed on November 13, 2013. ECF No. 3 ¶ 14.

³ Plaintiff also sued Judge Motz of this Court, who presided over the case against Litton and the subsequent case against the eight financial institutions. *M & M Mortg. Servs.*, 2014 WL 5393527, at *3. Judge Chasanow dismissed that case with prejudice. *Edokobi v. Motz*, No. DKC-13-3378, 2013 WL 6713290

Opinion explained, Plaintiff contradicted the allegations he made in the 2011 case and alleged that his loan was serviced not by Litton but by another company, and that Litton therefore had no authority to order the defendants to perform the work. *Id.* Plaintiff asserted eleven counts against the defendants under Maryland law. *Id.*⁴

Judge Grimm granted the defendants' Motion to Dismiss on the ground that *res judicata* barred the action. *Id.* at *5. In short, because the parties had agreed in the 2011 case that Litton serviced Plaintiff's mortgage at the time of the work on the house, and agreed before Judge Grimm that the defendants were acting at Litton's direction when they performed the work, the Court's finding in the 2011 case that Litton was not liable to Plaintiff barred relitigation of the defendants' liability for acting on Litton's behalf. *Id.*⁵ Judge Grimm then turned to the defendants' motion for sanctions. *Id.* Rather than grant the motion, Judge Grimm found that Plaintiff's filings to that point, many of which were both voluminous and non-compliant with the Federal Rules of Civil Procedure,

(D. Md. Dec. 18, 2013); *see also M & M Mortg. Servs.*, 2014 WL 5393527, at *3 (describing Judge Chasanow's ruling).

⁴ In his Complaint in this case, Plaintiff adds further allegations that the defendants destroyed pipes and caused leaks in the house by using unconventional weatherization chemicals, requiring him to spend \$32,000 for repairs, and that defendants also changed the locks and did not leave contact information, all of which impeded his ability to sell the house. ECF No. 3 ¶¶ 15, 17-19, 24-26.

⁵ Notably, Plaintiff in this action alleges once again that Litton was his loan servicer, but claims that Litton told him that it did not order the weatherization. ECF No. 3 ¶¶ 20-21.

demonstrated that he is a vexatious litigant. *Id.* at *1, *5-*6. Judge Grimm accordingly ordered Plaintiff to show cause why the Court should not issue an order imposing a prefiling injunction that would direct the Clerk not to accept future filings from Plaintiff arising out of or relating to the work performed at his property unless Judge Grimm certified that the filings were in good faith and had a colorable basis in law and fact. *Id.* at *6. Judge Grimm then dismissed the case in its entirety and accordingly denied as moot Plaintiff's Motion for Default Judgment against Mortgage Specialist Inc. *Id.* at *1 n.2.

On November 3, 2014, Plaintiff submitted two filings to the Court: a Notice of Appeal of Judge Grimm's Order, *M & M*, ECF No. 20, and a filing entitled "Plaintiff Files Opposition Motion To Court Order Granting Defendants' Motion To Dismiss Plaintiff's Complaint And Opposition To Court Proposed Imposition Of Pre-Filing Injunction And Opposition To Court Order Dismissing Plaintiff's Motion For Default Judgment Against MSI And Plaintiff By This Motion Seeks New Trial Of Civil Action No. 8:13-CV-03707-PWG," *M & M*, ECF No. 22. As the defendants noted in response, the motion essentially sought reconsideration of Judge Grimm's October 22, 2014 decision. *M & M*, ECF No. 24. On December 3, 2014, Judge Grimm issued a Letter Order explaining that Plaintiff's Notice of Appeal had divested him of jurisdiction over the case. *M & M*, ECF No. 25 (citing *Griggs v. Provident Discount Co.*, 459 U.S. 56, 58 (1982)). The Letter Order also stated that Judge Grimm would not "take further action regarding the pre-filing injunction until the Fourth Circuit has issued its ruling." *Id.*

The Fourth Circuit issued an unpublished per curiam opinion affirming Judge Grimm's October 22, 2014 Order on March 19, 2015. *Edokobi v. M & M Mortg. Servs., Inc.*, 597 F. App'x 754 (4th Cir. 2015). The decision noted that it concerned only the order dismissing the case on *res judicata* grounds and that the prefiling injunction determination remained pending in this Court. *Id.*; *id.* at n.*. The Fourth Circuit's mandate took effect and was filed on this Court's docket on May 4, 2015. *M & M*, ECF No. 29. Since that time, Judge Grimm has not taken additional action in the case and has not issued a further determination with respect to the proposed prefiling injunction.

Plaintiff filed his Complaint in this action in Maryland state court on February 25, 2019. ECF No. 3. In addition to repeating allegations from Plaintiff's earlier cases about the work at the Potomac property, the Complaint asserts that Judge Grimm: "Sees Plaintiff As A Trouble-Maker Who . . . Must be Controlled" with a prefiling injunction; "Wanted to Satisfy the Demands of the Corporate Attorneys"; "Did Not Consider all those Valid Points that Plaintiff had raised in Plaintiff's Motion in Opposition" to the motion for sanctions; "Does Not Want to Consider The United States Court of Appeals For The Fourth Circuit's Per Curiam on the Appeal . . . which says that 'Prefiling Injunction Determination Remains Pending in the District Court'"; "Does Not Want to Provide the Closure of the Civil Action"; "Refused to Issue His Final Order on the 'Prefiling Injunction Against Plaintiff Pending in the District Court'"; "Wants to Punish Plaintiff by [his] Refusal to bring to a Closure the Prefiling Injunction Against Plaintiff which is Pending in the District Court Since December 12, 2014"; and

“Does Not Want to Issue His Final Orders on the Prefiling Injunction Determination Remains Pending in the District Court because; Defendant Paul W. Grimm Knows Even-too-well that; Plaintiff Will Appeal Defendant Paul W. Grimm’s Negative Orders.” *Id.* ¶¶ 34, 36, 37, 39-42.

The Complaint then asserts five “causes of action” against Judge Grimm, each of which is premised on his “Refusal to Issue the Final Court Order on the Prefiling Injunction Against Plaintiff Pending in the District Court Since December 12, 2014 for Civil Case Number Case 8:13-cv-03707.” *Id.* ¶¶ 45, 55, 61, 73, 78. Count 1 is a claim under 42 U.S.C. § 1983 for violation of Plaintiff’s Fourteenth Amendment due process rights. *Id.* ¶¶ 44-47. Count 2, also brought under § 1983, again states that Judge Grimm violated Plaintiff’s Fourteenth Amendment due process rights and further alleges that he violated Plaintiff’s due process rights under Article 24 of the Maryland Declaration of Rights. *Id.* ¶¶ 51-54. Count 3 is an additional § 1983 claim asserting that Judge Grimm’s “Refusal To Issue His Final Order on the Prefiling Injunction . . . is designed to Punish Plaintiff severely” and accordingly has violated Plaintiff’s Eighth Amendment right against cruel and unusual punishments. *Id.* ¶¶ 60-61.

Count 4, titled “abuse of power and judicial misconduct,” asserts again that Judge Grimm “Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled,” and “Did Not Consider all those Valid Points that Plaintiff had raised” in his opposition to the motion for sanctions. *Id.* ¶¶ 69-71. Plaintiff also asserts that he “Did Not Deserve To be Sanctioned” and has been “harmed and incurred severe emotional damages” as a result of “these violations,” including Judge Grimm’s “Refusal to

Issue the Final Court Order on the Prefiling Injunction.” *Id.* ¶¶ 72-74. Finally, Count 5 asserts that Judge Grimm has violated Plaintiff’s due process rights under the Fifth Amendment, as a result of which Plaintiff has been “harmed and incurred severe emotional damages.” *Id.* ¶¶ 77-78, 82. In each count, Plaintiff states that he “is suffering and will continue to suffer irreparable harm” while he awaits action from Judge Grimm. *Id.* ¶¶ 55, 65, 69, 73, 80.

In the Complaint’s petition for relief, Plaintiff states that he seeks: a declaration that Judge Grimm’s “Refusal to Issue a Final Order on the Prefiling Injunction Against Plaintiff . . . violates Plaintiff’s Due Process” and “amounts to punishment against Plaintiff;” a declaration that Judge Grimm “Should Not Be Involved In Any Civil Case Involving Plaintiff” in this court, including a case “Against Toyota Motor Credit Corporation,” for which Plaintiff seeks a declaration that it “Should Be Handled by a Different Judge”; and “A declaratory Damages-Compensatory and Judgment-Declaratory against Judge Paul W. Grimm.” *Id.* at 13-14. While the final line of the petition is somewhat vague as to whether it seeks damages, the introduction to the Complaint states clearly that “Judge Paul W. Grimm is sued for damages in his personal and official capacities.” *Id.* ¶ 3.

Judge Grimm filed a Notice of Removal of the case to this Court on March 27, 2019. ECF No. 1. In the Notice, counsel for Judge Grimm, an Assistant United States Attorney in the Office of the United States Attorney for the District of Columbia, explained that he did not currently represent Judge Grimm in an individual capacity and that Judge Grimm was not waiving any defenses “that may be available to

him under Federal Rule of Civil Procedure 12 or otherwise, including immunity from suit.” *Id.* at 1 n.1. Plaintiff did not contest the removal but did file “objections” to the contents of the civil cover sheet filed by Judge Grimm, asserting that it was mistaken in reporting that the case was against the federal government and that it should have categorized the case as a civil rights action. ECF No. 6. Plaintiff also protested that the cover sheet failed to show that he had requested a jury trial in his Complaint. *Id.*

On May 3, 2019, Plaintiff filed a motion seeking to disqualify Judge Grimm from presiding in two other cases that Plaintiff has filed in this Court. ECF No. 10. Judge Grimm did not respond to the motion. On May 10, Judge Grimm filed a Consent Motion for Extension of Time to File Answer until June 10, 2019. ECF No. 11. Counsel for Judge Grimm explained that he now represented Judge Grimm in his individual capacity and that his delay in filing was because he had been awaiting approval for the representation from the Administrative Office of the U.S. Courts. *Id.* ¶ 2. On June 7, 2019, Judge Grimm filed a Motion to Dismiss the case under Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), and 12(b)(6). ECF No. 12.

Accompanying the Motion was a certification under 28 U.S.C. § 2679(d) by Daniel F. Van Horn, the Chief of the Civil Division of the Office of the United States Attorney for the District of Columbia (“Van Horn Certification”). ECF No. 12-1. In the certification, Van Horn, acting under authority delegated by the Attorney General of the United States, certified that Judge Grimm was acting within the scope of his employment at the time of the incidents alleged in Plaintiff’s Complaint. ECF No. 12-1. Plaintiff filed a

brief in opposition to the Motion to Dismiss on June 14, 2019, ECF No. 14, and Judge Grimm filed a Reply on July 3, ECF No. 16, after submitting another consent motion for an extension on June 28, 2019, ECF No. 15.

II. Standard of Review

“A district court should grant a motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) ‘only if the material jurisdictional facts are not in dispute and the moving party is entitled to prevail as a matter of law.’” *Upstate Forever v. Kinder Morgan Energy Partners, L.P.*, 887 F.3d 637, 645 (4th Cir. 2018) (quoting *Evans v. B.F. Perkins Co.*, 166 F.3d 642, 647 (4th Cir. 1999)). “The burden of establishing subject matter jurisdiction rests with the plaintiff.” *Demetres v. East West Constr.*, 776 F.3d 271, 272 (4th Cir. 2015). “When a defendant challenges subject matter jurisdiction pursuant to Rule 12(b)(1), ‘the district court is to regard the pleadings as mere evidence on the issue, and may consider evidence outside the pleadings without converting the proceeding to one for summary judgment.’” *Evans*, 166 F.3d at 647 (quoting *Richmond, Fredericksburg & Potomac R.R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991)).

To state a claim that survives a Rule 12(b)(6) motion, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The Court accepts “all well-pled facts as true and construes these facts in the light most favorable to the plaintiff in weighing the legal sufficiency of the complaint.” *Nemet Chevrolet*,

Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009). The Court must also “draw all reasonable inferences in favor of the plaintiff.” *Id.* at 253 (citing *Edwards v. City of Goldsboro*, 178 F.3d 231, 244 (4th Cir. 1999)). “[B]ut [the Court] need not accept the legal conclusions drawn from the facts, and . . . need not accept as true unwarranted inferences, unreasonable conclusions or arguments.” *Id.* (first alteration in original) (quoting *Giarratano v. Johnson*, 521 F.3d 298, 302 (4th Cir. 2008)). Courts are also permitted to “consider facts and documents subject to judicial notice” at the motion to dismiss stage without converting the motion to one for summary judgment. *Zak v. Chelsea Therapeutics Int’l, Ltd.*, 780 F.3d 597, 607 (4th Cir. 2015) (citing *Clatterbuck v. City of Charlottesville*, 708 F.3d 549, 557 (4th Cir. 2013)).

III. Discussion

Judge Grimm’s Motion to Dismiss argues in favor of dismissal on both immunity and substantive grounds. The Court considers both types of arguments after discussing Plaintiff’s motion seeking to force Judge Grimm to remove himself from presiding over Plaintiff’s other pending cases, to which Judge Grimm has not responded.

A. Recusal Motion

Though Plaintiff does not use the word “recuse” in his motion seeking to disqualify Judge Grimm from his pending cases, the motion “Demands for Removal of the Civil Case No. 8:19-Cv-00248-PWG and Civil Case No. 8:19-CV-01071-PWG From Defendant Paul W. Grimm.” ECF No. 10 ¶ 1. The Court liberally interprets the *pro se* filing as a request for Judge

Grimm's recusal, which is the process through which a party may seek to remove a judge from a case for alleged bias, which is what Plaintiff presumably intends to assert. Plaintiff offers no statutory or doctrinal basis for his motion, however, and merely points to the petition for relief in his Complaint and reiterates that Judge Grimm "Has Not Provided His Final Decision" on the proposed prefiling injunction. *Id.* ¶¶ 2-4, 10.

In general, "[a] motion for recusal is construed against the affiant because 'a judge is presumed to be impartial.'" *Poole v. United States*, No. RDB-12-0478, 2013 WL 594690, at *3 (D. Md. Feb. 15, 2013) (quoting *Molinaro v. Watkins-Johnson CEI Div.*, 359 F. Supp. 474, 476 (D. Md. 1973)). "To be legally sufficient, the judge's alleged bias must come from an 'extrajudicial source other than what the judge has learned or experienced from [his] participation in the case.'" *Id.* (quoting *Sine v. Local No. 992 Int'l Bhd. of Teamsters*, 882 F.2d 913, 914 (4th Cir. 1989)). "A judge's opinions in earlier proceedings 'almost never constitute a valid basis for a bias or partiality motion . . . unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.'" *Id.* (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)).

Plaintiff has failed to show any grounds for recusal here. Judge Grimm's rulings reveal no evidence whatsoever of favoritism or antagonism of any kind. *See id.* Nor has Plaintiff provided any evidence that Judge Grimm has been influenced by any "extrajudicial source other than what [he] has learned or experienced" in presiding over Plaintiff's earlier case. *Id.* (quoting *Sine*, 882 F.2d at 914). "A judge's actions or experience in a case or related cases or attitude derived from his

experience on the bench do not constitute a basis to allege personal bias.” *Sine*, 882 F.3d 913 (citing *Shaw v. Martin*, 733 F.2d 304, 308 (4th Cir. 1984)). Because Plaintiff lacks any basis to seek Judge Grimm’s removal from Plaintiff’s other pending cases, Plaintiff’s recusal motion will be denied.

B. Motion to Dismiss

The Court now turns to Judge Grimm’s Motion to Dismiss Plaintiff’s Complaint under Rules 12(b)(1) and 12(b)(6). ECF No. 12.⁶ The Motion offers several grounds for dismissal of Plaintiff’s claims against Judge Grimm in both his official and individual capacities. The Court discusses each set of arguments in turn, but first reviews the different avenues through which an individual government official may be held liable for actions causing harm to a Plaintiff. The Court then considers Plaintiff’s claim for “abuse of process” before turning to Plaintiff’s constitutional claims against Judge Grimm.

1. Official and Individual Capacity Claims

As the Supreme Court explained recently in *Lewis v. Clarke*, “[i]n an official-capacity claim, the relief sought is only nominally against the official and in fact is against the official’s office and thus the sovereign itself.” 137 S. Ct. 1285, 1291 (2017). “The real party in interest” in official capacity suits “is the government entity, not the named official.” *Id.* “Personal-

⁶ Judge Grimm also moves to dismiss the claims against him in his individual capacity under Rule 12(b)(5) for failure to properly effect service. ECF No. 12 at 18-19. Because the Court concludes that the Complaint should be dismissed under Rules 12(b)(1) and 12(b)(6), the Court need not reach this argument.

capacity suits, on the other hand, seek to impose individual liability upon a government officer for actions taken under color of state law.” *Id.* (quoting *Hafer v. Melo*, 502 U.S. 21, 25 (1991)). “[O]fficers sued in their personal capacity come to court as individuals,’ and the real party in interest is the individual, not the sovereign.” *Id.* (alteration in original) (quoting *Hafer*, 502 U.S. at 27) (citation omitted).

“The identity of the real party in interest dictates what immunities may be available. Defendants in an official-capacity action may assert sovereign immunity.” *Id.* (citing *Kentucky v. Graham*, 473 U.S. 159, 167 (1985)). “An officer in an individual-capacity action, on the other hand, may be able to assert personal immunity defenses, such as, for example, absolute prosecutorial immunity in certain circumstances.” *Id.* (citing *Van de Kamp v. Goldstein*, 555 U.S. 355, 342-44 (2009)). “But sovereign immunity ‘does not erect a barrier against suits to impose individual and personal liability.’” *Id.* (quoting *Hafer*, 502 U.S. at 30-31).

2. Van Horn Certification and Plaintiff’s Common Law Claim

The Van Horn Certification, which was filed pursuant to 28 U.S.C. § 2769(d), also bears on the proper analysis of the Complaint. ECF No. 12-1. 28 U.S.C. § 2679, a provision of the Federal Employees Liability Reform and Tort Compensation Act of 1988, commonly known as the Westfall Act, “accords federal employees absolute immunity from common-law tort claims arising out of acts they undertake in the course of their official duties.” *Osborn v. Haley*, 549 U.S. 225, 229 (2007) (citing 28 U.S.C. § 2679(b)(1)). “When a federal employee is sued for wrongful or negligent

conduct, the Act empowers the Attorney General to certify that the employee ‘was acting within the scope of his office or employment at the time of the incident out of which the claim arose.’” *Id.* at 229-30 (quoting § 2679(d)(1), (2)). “Upon the Attorney General’s certification, the employee is dismissed from the action, and the United States is substituted as defendant in place of the employee. The litigation is thereafter governed by the Federal Tort Claims Act (FTCA), 60 Stat. 842.” *Id.* at 230; *see also id.* at 241.⁷

Notably, the certification by the Attorney General, or the official to whom he has delegated certification authority, is not dispositive of whether the employee was in fact acting within the scope of his office and in turn whether the United States must be substituted as the defendant in any common-law tort claims. *Id.* at 245-46 (citing *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, 432 (1995)). “A plaintiff may request judicial review of the Attorney General’s scope-of-employment determination.” *Id.* at 246. But Plaintiff has not done so here, nor has he asserted that the actions by Judge Grimm on which Plaintiff’s Complaint focuses were not within the scope of his employment as the District Judge presiding over Plaintiff’s case. The Court accepts the Van Horn Certification that Judge Grimm was acting within the scope of his employment as an officer of the United States at the time of the incidents described in Plaintiff’s Complaint.

⁷ Importantly, while the FTCA provides a waiver of the federal government’s sovereign immunity for certain types of damages claims, it does not waive immunity as to any other form of relief. *Talbert v. United States*, 932 F.2d 1064, 1065-66 (4th Cir. 1991); *see also Shirvinski v. U.S. Coast Guard*, 673 F.3d 308, 316 (4th Cir. 2012).

ECF No. 12-1. Accordingly, the Court will treat the United States as the Defendant with respect to any common law tort claims asserted in Plaintiff's Complaint.

It is not entirely clear, however, whether the Complaint in fact asserts any common law tort claims for which the United States should be substituted. As noted previously, the Complaint asserts five "causes of action" against Judge Grimm. These include claims under 42 U.S.C. § 1983 for violation of: Plaintiff's due process rights guaranteed by the Fourteenth Amendment to the U.S. Constitution; his due process rights guaranteed under Article 24 of the Maryland Declaration of Rights; and his right against cruel and unusual punishments guaranteed by the Eighth Amendment (Counts 1, 2, and 3). Plaintiff also brings a claim of "abuse of power and judicial misconduct" (Count 4) and a claim asserting violation of Plaintiff's due process rights under the Fifth Amendment without reference to § 1983 (Count 5). The only claim resembling a state common law tort action is Count 4, for which Plaintiff claims that he has "been harmed and incurred severe emotional damages." ECF No. 3 ¶ 74.⁸

Judge Grimm reads that count as attempting to assert a state law claim for abuse of process. ECF No. 12 at 9. "Under Maryland law, an action for abuse of process provides a remedy 'for those cases in which legal procedure has been set in motion in proper form,

⁸ Judge Grimm's Motion also reads the Complaint to assert a claim for intentional infliction of emotional distress. ECF No. 12 at 15-16. While the Court appreciates efforts by the counterparties of *pro se* litigants to read their filings expansively, the Court sees no such claim in the Complaint.

with probable cause, and even with ultimate success, but nevertheless has been perverted to accomplish an ulterior purpose for which it was not designed.” *Metro Media Entm’t v. Steinruck*, 912 F. Supp. 2d 344, 350 (D. Md. 2012) (quoting *One Thousand Fleet Ltd. P’ship v. Guerriero*, 694 A.2d 952, 956 (Md. 1997)). The Court agrees that to the extent Count 4 asserts a cognizable claim of any kind, it is an abuse of process claim under Maryland law. Because the United States is the proper Defendant in this claim, the Court must consider it under the Federal Tort Claims Act (“FTCA”). *Osborn*, 549 U.S. at 230.

The FTCA is a “limited waiver” of the United States’ sovereign immunity from suit that “permits suit only on terms and conditions strictly prescribed by Congress.” *Khatami v. Compton*, 844 F. Supp. 2d 654, 663 (D. Md. 2012) (quoting *Gould v. U.S. Dep’t of Health & Human Servs.*, 905 F.2d 738, 741 (4th Cir. 1990)). “One such term ‘requires that a claim be presented to the appropriate agency within two years after the claim accrues.’” *Id.* (quoting *Ahmed v. United States*, 30 F.3d 514, 516 (4th Cir. 1994)). “[T]he requirement of filing an administrative claim is jurisdictional and may not be waived.” *Id.* (quoting *Ahmed*, 30 F.3d at 516). “In other words, a FTCA plaintiff’s failure to file an administrative claim deprives courts of subject-matter jurisdiction over the claim.” *Id.*

Judge Grimm here asserts that the Court lacks jurisdiction over the abuse of process claim because Plaintiff failed to first exhaust administrative remedies. Judge Grimm does not indicate to which agency Plaintiff should have submitted a claim, however. Under the Judicial Conduct and Disability Act of 1980, “[a]ny person alleging that a judge has engaged

in conduct prejudicial to the effective and expeditious administration of the business of the courts . . . may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.” 28 U.S.C. § 351. Presumably, then, Plaintiff could have filed a complaint against Judge Grimm with the clerk of the U.S. Court of Appeals for the Fourth Circuit before initiating this action.

But the Court need not decide whether such a complaint would have satisfied Plaintiff’s administrative exhaustion requirement under the FTCA because the FTCA exempts from its immunity waiver claims “arising out of . . . abuse of process.” 28 U.S.C. § 2680 (h); *see Khatami*, 844 F. Supp. 2d at 664 (dismissing an abuse of process claim on this ground); *see also Jones v. United States*, No. GJH-16-0726, 2017 WL 465285, at *3 (D. Md. Feb. 2, 2017). While § 2680(h) of the FTCA includes an exception that allows for suits against “investigative or law enforcement officers of the United States Government,” it defines that term to mean “any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law.” 28 U.S.C. § 2680(h); *see Moore v. United States*, 213 F.3d 705, 709 (D.C. Cir. 2000). Accordingly, sovereign immunity bars Plaintiff’s abuse of process claim against Judge Grimm in any capacity and Count 4 will be dismissed pursuant to Rule 12(b)(1). *See Workman v. United States*, 711 F. App’x 147, 148 (4th Cir. 2018) (citing *Williams v. United States*, 50 F.3d 299, 303-04 (4th Cir. 1995)).

3. Remaining Official Capacity Claims

Judge Grimm next asserts that sovereign immunity bars all other claims brought against him in his official capacity. In general, “claims for constitutional violations cannot be brought against officers in their official capacity absent express consent by the United States to be sued for the alleged conduct.” *Lim v. United States*, No. DKC 10-2574, 2011 WL 2650889, at *8 (D. Md. July 5, 2011). “Federal courts have no jurisdiction over claims against the United States asserting general violations of the Constitution not authorized by a specific statute,” *id.*, and “the FTCA does not waive sovereign immunity for constitutional violations,” *Rich v. United States*, 158 F. Supp. 2d 619, 625 (D. Md. 2001).

Importantly, “[a] waiver of sovereign immunity cannot be implied but must be unequivocally expressed,” *Curtis v. Pracht*, 202 F. Supp. 2d 406, 418-19 (D. Md. 2002) (quoting *United States v. Mitchell*, 445 U.S. 535, 538 (1980)), and “[p]laintiffs bear the burden of demonstrating an unequivocal waiver of sovereign immunity,” *id.* (citing *Williams v. United States*, 50 F.3d 299, 304 (4th Cir. 1995)). “When a plaintiff has failed to establish a waiver of sovereign immunity, a federal court lacks jurisdiction to hear the case.” *Rich*, 158 F. Supp. 2d at 630 (citing *Glob. Mail Ltd. v. U.S. Postal Serv.*, 142 F.3d 208, 210 (4th Cir. 1998)).

Here, Plaintiff cites 42 U.S.C. § 1983 as the basis for his claim in Count 1 for violation of due process rights under the Fourteenth Amendment and in Count 3 for violation of his right against cruel and unusual punishments under the Eighth Amendment. ECF No. 3 ¶¶ 44-47, 60-61. But “Section 1983 applies only to state officers acting under color of state law, and

not to federal officers.” *Rich*, 158 F. Supp. 2d at 630 (citing *District of Columbia v. Carter*, 409 U.S. 418, 424-25 (1973)). And Plaintiff cites no statutory basis at all for his claim under Count 5 for violation of his Fifth Amendment due process rights. A waiver cannot be implied. *Curtis*, 202 F. Supp. 2d at 418-19.

Therefore, because Plaintiff has not met his burden to identify an unequivocal waiver of sovereign immunity, the Court lacks jurisdiction over his official capacity claims under Counts 1, 3, and 5. And the same reasoning applies to Plaintiff’s official capacity claim in Count 2 under Article 24 of the Maryland Declaration of Rights. A plaintiff may not “raise a cause of action against a federal officer in his official capacity for alleged violations of a state constitution, because the United States has not waived its sovereign immunity as to state constitutional claims.” *Chin v. Wilhelm*, 291 F. Supp. 2d 400, 405 (D. Md. 2003) (citing *Rich*, 158 F. Supp. 2d at 630)); *see also Yoh v. United States*, No. GJH-17-1641, 2018 WL 2048372, at *4 (D. Md. May 2, 2018). The Court thus lacks jurisdiction over Plaintiff’s official capacity claim under Count 2 as well, and accordingly all of Plaintiff’s official capacity claims will be dismissed under Rule 12(b)(1). *See Workman*, 711 F. App’x at 148.

4. Individual Capacity Damages Claims

Having dismissed Count 4 entirely and found a lack of subject matter jurisdiction over Plaintiff’s official capacity claims under Counts 1, 2, 3, and 5, the Court now turns to Plaintiff’s claims against Judge Grimm in his individual capacity. As Judge Grimm notes, because Plaintiff seeks damages from an individual government official for allegedly violating his con-

stitutional rights, Plaintiff's individual capacity claims under Counts 1, 3, and 5 could be construed as seeking relief under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), in which the Supreme Court recognized an implied cause of action for damages against federal officers for certain constitutional violations. *See Doe v. Meron*, 929 F.3d 153, 168 (4th Cir. 2019) (describing *Bivens*, its progeny, and the Supreme Court's recent skepticism of extending *Bivens* further).

The Court need not wade into the complexities of *Bivens* remedies, however, because any damages claims against Judge Grimm in his individual capacity are barred by judicial immunity. That doctrine, recognized in "[a] long line of [the Supreme Court's] precedents[,] acknowledges that, generally, a judge is immune from a suit for money damages." *Mireles v. Waco*, 502 U.S. 9, 9 (1991) (per curiam). One such precedent, *Forrester v. White*, explained that the doctrine "protect[s] judicial independence by insulating judges from vexatious actions prosecuted by disgruntled litigants." *Forrester v. White*, 484 U.S. 219, 225 (1988). "Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages." *Mireles*, 502 U.S. at 11 (citing *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)).

Judicial immunity can be overcome "in only two sets of circumstances." *Id.* "First, a judge is not immune from liability for nonjudicial actions, *i.e.*, actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." *Id.* at 11-12 (citations omitted). The Complaint in this case concerns actions that indisputably were taken

in Judge Grimm's judicial capacity as he presided over Plaintiff's suit. "A judge is acting in his or her judicial capacity when the function is one 'normally performed by a judge' and when the parties 'dealt with the judge in his judicial capacity.'" *Rhoe v. Kunz*, No. GJH-17-3757, 2018 WL 6423897, at *5 (D. Md. Dec. 4, 2018) (quoting *Stump v. Sparkman*, 435 U.S. 349, 362 (1978)).

Importantly, though Plaintiff here makes allegations about improper motivations for Judge Grimm's rulings against him, "immunity applies even when the judge is accused of acting maliciously and corruptly." *Pierson v. Ray*, 386 U.S. 547, 554 (1967). The first exception to judicial immunity has no application here. As for absence of jurisdiction, that exception applies only if "there is clearly no jurisdiction over the subject-matter . . . [and] the want of jurisdiction is known to the judge. . . ." *King v. Myers*, 973 F.2d 354, 357 (4th Cir. 1992) (alterations in original) (quoting *Stump*, 435 U.S. at 356 n.6). No such circumstance existed here in Plaintiff's action before Judge Grimm. Accordingly, judicial immunity bars claims for damages against Judge Grimm in his individual capacity under each of the remaining counts of the Complaint.

5. Individual Capacity Claims for Equitable Relief

Judicial immunity does not, however, extend to claims for equitable relief.⁹ *Foster v. Fisher*, 694 F. App'x 887, 889 (4th Cir. 2017) (citing *Timmerman v. Brown*, 528 F.2d 811, 814 (4th Cir. 1975)); *see also*

⁹ Nor does qualified immunity, another defense that Judge Grimm raises. *Wall v. Wade*, 741 F.3d 492, 498 n.9 (4th Cir. 2014).

Pulliam v. Allen, 466 U.S. 522, 541-42 (1984)) (holding that “judicial immunity is not a bar to prospective injunctive relief against a judicial officer acting in her judicial capacity”). “However, a litigant can prevail in a declaratory or injunctive relief action against a judge acting in his or her judicial capacity only in circumscribed circumstances.” *Mathis v. Martin*, No. 8:13-cv-02597-AW, 2013 WL 5609134, at *4. Importantly, “the Fourth Circuit has decreed that injunctive and declaratory relief are improper remedies against judicial officers where the record demonstrates that the plaintiff ‘is simply dissatisfied’ with the judge’s rulings.” *Id.* (quoting *Wilkins v. Rogers*, 581 F.2d 399, 405 (4th Cir. 1978)).

As described previously, Plaintiff’s petition for relief seeks declarations that Judge Grimm’s inactivity on the proposed prefiling injunction violates Plaintiff’s rights under the federal and Maryland Constitutions, that Judge Grimm should issue a final order on the proposed injunction, and that Judge Grimm should not preside over Plaintiff’s other ongoing cases. *See* ECF No. 3 at 13-14. The Court has already addressed the groundlessness of the final request in addressing Plaintiff’s recusal motion. And the second request essentially is an expression of dissatisfaction with Judge Grimm’s rulings or lack of rulings in Plaintiff’s case, rendering equitable relief an improper remedy. *See Mathis*, 2013 WL 5609134, at *4. In contrast, while in a practical sense the first request also arises from Plaintiff’s unhappiness with the adjudication of his prior case, the Court will proceed to assess the grounds for the request as they are asserted in Counts 1, 2, 3, and 5.

The first paragraph of the petition for relief seeks a declaration that Judge Grimm's "Refusal to Issue a Final Order on the Prefiling Injunction . . . violates Plaintiff's Due Process." ECF No. 3 ¶ 14. This request presumably relates to Counts 1, 2, and 5, which as described previously allege violations of Plaintiff's rights to due process of law under the Fifth and Fourteenth Amendments of the federal Constitution and Article 24 of the Maryland Declaration of Rights. As an initial matter, the Fourteenth Amendment component of these claims cannot proceed because "the Fourteenth Amendment's Due Process Clause is a limitation on state conduct," while "due process protections against the federal government are found in the Fifth Amendment." *United States v. Hornsby*, 666 F.3d 296, 310 (4th Cir. 2012). As a federal judge, Judge Grimm cannot be liable for a violation of the Fourteenth Amendment.

Next, Plaintiff's claims under Article 24 of the Maryland Declaration of Rights and the Fifth Amendment to the federal Constitution may be considered together because the two are "generally interpreted as being synonymous." *Branch v. McGeeney*, 718 A.2d 631, 642 (Md. App. 1998) (citing *Oursler v. Tawes*, 13 A.2d 763, 768 (Md. 1940)); see also *Sesay v. Woolsey*, No. 8:18-cv-01924-PWG, 2019 WL 859782, at *8 (D. Md. Feb. 21, 2019). Plaintiff's Opposition to Judge Grimm's Motion to Dismiss fails to identify any case law or authority suggesting that Judge Grimm's inaction on the proposed prefiling injunction infringes Plaintiff's federal or state due process rights, nor is the Court aware of any.¹⁰ Instead, the Fourth Circuit

¹⁰ Plaintiff's Opposition generally fails to respond to any of the arguments in the Motion to Dismiss and instead simply recounts the procedural history of his prior case and asserts that the

has squarely held that prefiling injunctions are constitutionally permissible, although the court cautioned that they must be narrowly tailored. *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 817-18 (4th Cir. 2004). Here, no injunction has even been entered, defeating any need to consider whether the Fourth Circuit's guidance has been followed. Plaintiff's claims accordingly are meritless and Plaintiff's request for declaratory relief with respect to due process must be dismissed.

Plaintiff's failure to cite any basis for his Eighth Amendment claim compels the same conclusion. Because the Fourth Circuit has approved the issuing of prefiling injunctions in certain circumstances, it cannot be the case that imposing a prefiling injunction against a vexatious litigant—let alone the withholding of a final determination on whether to issue one—implicates the Eighth Amendment. At least one District Court has explicitly rejected such an argument. *See Easterling v. Ohio*, No. 3:13-cv-024, 2013 WL 4456151, at *9 (S.D. Ohio Aug. 16, 2013), *adopted by* 2013 WL 4757484 (S.D. Ohio Sept. 4, 2013).

Further, at least one Court of Appeals has explicitly distinguished between limitations on punishments subject to the Eighth Amendment and “sanctions for misconduct in litigation.” *Ty Inc. v. Softbelly's, Inc.*, 517 F.3d 494, 499 (7th Cir. 2003). While the Court recognizes that certain “civil sanctions may fall within the scope” of the Eighth Amendment, *Korangy v. U.S.*

Fourth Circuit's decision affirming Judge Grimm's October 22, 2014 Order requires Judge Grimm to act on the prefiling injunction. ECF No. 14. Because this argument is meritless and misunderstands the meaning and result of the Fourth Circuit's ruling, the Court need not discuss it further.

Food & Drug Admin., 498 F.3d 272, 277 (4th Cir. 2007) (citing *Austin v. United States*, 509 U.S. 602, 610 (1993)), the Court concludes, in the total absence of authority to support Plaintiff's claim, that the Eighth Amendment has no bearing in this case. Plaintiff's final claim is therefore without support and the Court will accordingly grant Judge Grimm's Motion to Dismiss.

IV. Conclusion

For the foregoing reasons, the Court will deny Plaintiff's Motion for Removal of Judge Grimm, ECF No. 10, and grant Judge Grimm's Motions for Extension of Time, ECF Nos. 11 and 15, and Motion to Dismiss, ECF No. 12. A separate Order shall issue.

/s/

George J. Hazel
United States District Judge

Date: March 4, 2020

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**ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF MARYLAND
(MARCH 5, 2020)**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EMMANUEL EDOKOBI,

v.

JUDGE PAUL W. GRIMM,

Case No.: GJH-19-905

Notice is hereby given that Emmanuel Edokobi, Plaintiff's in the above captioned case, hereby appeals to the United States Court of Appeals for the Fourth Circuit the Order Number 18 entered in this case on March 4th, 2020.

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/s/ Emmanuel Edokobi

Signature

Printed Name and Bar Number.

2005 Stratton Drive

Potomac, Mad 20854

Address

emmanuel2040@gmail.com

Email Address

301-793-2882

Telephone Number

301-545-2132

Fax Number

March 5th, 2020

Date

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**LETTER ORDER OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(APRIL 15, 2019)**

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of Paul W. Grimm
United States District Judge
6500 Cherrywood Lane
Greenbelt, Maryland 20770
(301) 344-0670
(301) 344-3910 Fax

RE: *Edokobi v. Toyota Motor Credit Corp. et al.*
8:19-cv-00248-PWG

Dear Counsel and Mr. Edokobi:

This case was assigned to me on January 28, 2019. Its life since then, though short, has been eventful, with Plaintiff Emmanuel Edokobi repeatedly attempting to circumvent my authority over the case. In the course of just a few weeks, Plaintiff has filed an interlocutory appeal to the Fourth Circuit, see ECF No. 21; sued me in state court; and filed a motion to remove me from this case, see Mot. for Removal, ECF No. 32. The interlocutory appeal ended in a voluntary dismissal, see ECF No. 27, but both the lawsuit against me and the motion for my removal remain pending.

Plaintiff's argument for reassigning this case to a different judge is that I "cannot in good conscience

provide an unbiased decision” because of his pending lawsuit against me (which, I note, has since been removed to this Court and is now before a different judge). Mot. for Removal ¶ 5. Plaintiff insists that he “will not participate” in the proceedings before me unless and until the case is reassigned. *Id.* ¶ 4.

Federal law requires a district court judge to “disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455. In the Fourth Circuit, the test of impartiality is objective: the question, generally, is whether “a reasonable person would have a reasonable basis for questioning the judge’s impartiality, not whether the judge is in fact impartial.” *United States v. Cherry*, 330 F.3d 658, 665 (4th Cir. 2003).

In circumstances where litigation between a judge and a litigant was entirely unrelated to the judge’s performance of his judicial duties, then a reasonable person might well have a reasonable basis for questioning that judge’s impartiality to rule on the litigant’s suit against other parties, if assigned to the judge involved in separate litigation with the plaintiff. But that is not the situation at hand. Here, there were no grounds for seeking my disqualification when Defendants removed Plaintiff’s state court complaint to this court. The grounds for Plaintiff’s recusal motion did not arise until a few weeks later, and it was Plaintiff’s own actions – in filing his suit against me – that created them.

Federal courts have tended to eye circumstances like these warily, and with good reason. As the Seventh Circuit has noted, a per se rule requiring a judge’s recusal “would allow litigants to judge shop by filing a suit against the presiding judge.” *In re Taylor*,

417 F.3d 649, 652 (7th Cir. 2005). It is for this reason, chiefly, that there “is no rule that requires a judge to recuse himself from a case, civil or criminal, simply because he was or is involved in litigation with one of the parties.” *Taylor*, 417 F.3d at 652; *see also United States v. Watford*, 692 F. App’x 108, 110 n.1 (4th Cir. 2017); *Azubuko v. Royal*, 443 F.3d 302, 304 (3d Cir. 2006); *In re Hipp*, 5 F.3d 109, 116-17 (5th Cir. 1993).

It has been noted that the prospect of judicial bias is especially remote when the suit against the judge is “meritless.” *Taylor*, 417 F.3d at 652. While it will be up to the judge assigned Plaintiff’s suit against me to rule on its merits, I observe that it is based on my performance of my official duties in connection with a case Plaintiff had previously filed in this court. *See Edokobi v. M & M Mortg. Servs. Inc.*, 13-3707-PWG. In that case, I dismissed Plaintiff’s claims, he appealed, and the Fourth Circuit affirmed the judgment. *See M & M Mortg.*, 13-3707-PWG (D. Md. 2014), ECF Nos. 19, 20, 26. At the very least, then, the merits of Plaintiff’s suit against me are highly questionable. And because the suit explicitly concerns actions taken in the performance of my official duties as a judge, the doctrine of judicial immunity is plainly implicated. *See Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Chu v. Griffith*, 771 F.2d 79, 81 (4th Cir. 1985). Were I to grant Plaintiff’s recusal motion under these conditions, it would permit him to engage in the exact type of forum shopping that the above-referenced cases condemned.

Finally, with respect to the Plaintiff’s ultimatum that he “will not participate” in this case unless and until it is “assigned to a different Judge,” Mot. for Removal ¶ 4, that is his choice to make. But should

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he fail to respond to motions filed by the Defendants or to comply with court orders, then he runs the risk of his case being dismissed.

For all of these reasons, Plaintiff's motion to reassign the case to another judge (ECF No. 32) is denied. This Court's Scheduling Order (ECF No. 13) remains in effect, and the case will proceed.

Although informal, this is an Order of the Court and shall be docketed as such.

Sincerely,

/s/

Paul W. Grimm

United States District Judge

**LETTER ORDER OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
MOTION TO REMOVE JUDGE PAUL GRIMM
(APRIL 9, 2019)**

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of James K. Bredar
Chief Judge
101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0950 Office
(410) 962-0070 Fax
MDD_JKBChambers@mdd.uscourts.gov

RE: *Edokobi v. Toyota Motor Credit Corp. et al.*
Civil No.: PWG-19-0248

Dear Mr. Edokobi:

In the above-referenced civil case, you have filed a motion to remove the presiding judge, the Honorable Paul W. Grimm, from the case (ECF No. 32) and you have sent a copy of the motion to my chambers. Please be aware that I have no authority to order the relief you request. Accordingly, it is up to Judge Grimm to rule on your motion. I shall take no action on it.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

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Very truly yours,

/s/

James K. Bredar
Chief Judge

cc: all counsel of record

**INFORMAL BRIEFING
ON UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
(APRIL 28, 2020)**

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

EMMANUEL EDOKOBI,

v.

PAUL GRIMM,

No. 20-1271

8:19-cv-00905-GJH

NOW Comes Appellant, Emmanuel Edokobi by Himself as a pro se ("APPELLANT") respectfully files this INFORMAL BRIEF for the Civil Case Above Captioned and Plaintiff/Appellant by this INFORMAL BRIEF Asserts Hereunder As Follows:

1. Appellant asserts that; Civil Case Above Captioned is on Appeal from the United States District Court for the District of Maryland Southern Division.

2. JURISDICTION: Appellant asserts that; The United States Court of Appeal for the Fourth Circuit Has Jurisdiction Over this Civil Case and the Venue for this Appeal is Proper.

3. TIMELINESS: Appellant asserts that; Notice of Appeal Was Timely Filed For The Following U.S. District Court's MEMORANDUM OPINION AND ORDER ECF NO. 18; By Which Appellant's Civil Case No. GJH-19-905 Was Dismissed On March 4, 2020 And NOTICE OF APPEAL Was Timely Filed On March 4, 2020.

4. TIMELINESS: Appellant asserts that; NOTICE OF APPEAL Was Timely Filed for the Following U S. District Court's MEMORANDUM OPINION AND ORDER ECF NO. 18; By Which Appellant's Civil Case No. GJH-19-905 Was Dismissed And U.S. District Court's ORDER Entered On March 4, 2020 And NOTICE OF APPEAL Was Filed On March 4, 2020.

I. The U.S. District Court's Memorandum of Opinion and Order Entered on March 4, 2020:

5. The U.S. District Court's ORDER (ECF NO. 18); And Singed By United States District Judge, Honorable George J. Hazel And Entered On March 4, 2020 Provides Hereunder As Follows:

- (1) The U.S. District Court's MEMORANDUM OF OPINION AND ORDER ECF NO. 18 "ORDER" Granting ECF No.12; Honorable Paul W. Grimm's Motion to Dismiss Complaint ECF No. 12;
- (2) The U.S. District Court's MEMORANDUM OF OPINION AND ORDER ECF NO. 18 "ORDER" Denying ECF No. 10; Appellant's Motion for Removal of the Civil Case No. 8:19-Cv-00248-PWG and Civil Case No. 8:19-CV-01071-PWG From Honorable Paul W. Grimm ECF No. 10.

II. Issue No. 1: Whether U.S. District Court Erred in Granting Honorable Paul W. Grimm's Motion to Dismiss, ECF No. 12; Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271

A. Issue No. 1; Enquiry:

6. Appellant By ISSUE NO. 1; Presents Enquiry With Supporting Arguments and Exhibits For The United States Fourth Circuit Court's Review and Consideration And This Enquiry And Arguments Are Briefly Described Hereunder As Follows:

Whether U.S. District Court Erred In Granting Honorable Judge Paul W. Grimm's Motion To Dismiss, ECF No. 12; Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271

B. Issue No. 1: Arguments:

7. Appellant's Arguments On Whether U.S. District Court Erred In Granting Appellee Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271 ECF No. 18 and Entered on March 4, 2020; And Appellant's Arguments Are Provided Hereunder As Follows.

8. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; U.S. District Did Not Provide Reason Or Reasons For Honorable Paul W. Grimm's FAILURE TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Civil

Case No. 8:13-cv-03707-PWG Entered On December 3, 2014; And It Has Pasted Five (5) Years.

9. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; U.S. District Court Provided Twenty-two (22) Pages Of Memorandum Opinion In The Closure Of; Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Without Providing Any Information On Honorable Judge Grimm's Reason Or Reasons For Honorable Judge Grimm's REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; With Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc., "LETTER ORDER"* Was Entered On December 3, 2014; And It Has Pasted Five (5) Years.

10. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; U. S. District Court Provided Twenty-two (22) Pages Of Memorandum Opinion In The Closure Of; Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Without Providing Any Information; On What Is Preventing Honorable Judge Grimm From Complete His Letter Order ECF No. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc., "LETTER ORDER"* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

11. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion

To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; Honorable Judge Paul Grimm IS LEGALLY REQUIRED TO COMPLETE HIS PRE-FILING INJUNCTION LETTER ORDER As Noted in Honorable Judge Grimm's LETTER ORDER ECF No.25 For Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years; And Honorable Judge Grimm's LETTER ORDER Provides Hereunder In Pertinent Part:

RE: *Edokobi v. M & M Mortgage Services Inc.*
PWG-13-3707

LETTER ORDER

1 "With regard to my October 22, 2014 dismissal of Plaintiff Emmanuel Edokobi's claims with prejudice and denial of Plaintiff's Motion to Enter Default Judgment as moot, ECF No. 19, Plaintiff has filed an "Opposition Motion to Court Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint and Opposition to Court Proposed Imposition of Pre-Filing Injunction and Opposition to Court Order Dismissing Plaintiff's Motion for Default Judgment Against MSI," and sought "New Trial of Civil Action No. 8:13-CV-03707-PWG." ECF No. 22. Plaintiff also filed a Notice of Appeal of the October 22, 2014 Order to the Fourth Circuit. ECF No. 20. Insofar as Plaintiff asks me to reconsider the October 22, 2014 Order, Plaintiff's Notice of Appeal divested this Court of jurisdiction to consider his motion. See *Griggs v. Provident*

Discount Co., 459 U.S. 56, 58 (1982); *Panowicz v. Hancock*, No. DKC-11-2417, 2013 WL 5442959, at *2 (D. Md. Sept. 27, 2013) (citing *Griggs*). Additionally, I will not take further action regarding the pre-filing injunction until the Fourth Circuit has issued its ruling". (See *Edokobi v. M & M Mortg. Servs., Inc.*, No. 8:13-cv-03707-PWG (D. Md. Oct. 22, 2014)).

12. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; Honorable Judge Paul Grimm IS LEGALLY REQUIRED TO HONOR HIS LETTER ORDER BY COMPLETING HIS LETTER ORDER WHICH HE ISSUED FIVE (5) YEARS AGO. A Copy of Honorable Paul W. Grimm's LETTER ORDER ECF NO. 25, Herein Marked Appellant's Exhibit Number 1.

13. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; U.S. District Court Provided Twenty-two (22) Pages Of Memorandum Opinion In The Closure Of; Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271, WITHOUT PROVIDING INFORMATION ON WHEN HONORABLE JUDGE GRIMM HONORABLE JUDGE GRIMM WILL COMPLETE HIS LETTER ORDER ECF NO. 25 For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez, Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

14. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; Appellant Has Been Waiting For Honorable Judge Grimm TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

15. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; IT IS ABSOLUTELY UNFAIR AND WRONG FOR HONORABLE GRIMM TO REFUSE TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc.*, *Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

16. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; THIS CIVIL ACTION ACCRUED FROM HONORABLE GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; ENTERED ON DECEMBER 13, 2014 WHICH HAS REMAINED UNCOMPLETED FOR THE PASTED FIVE (5) YEARS.

17. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because;

Honorable Judge Grimm DOES NOT HAVE ANY REASON OR REASONS FOR NOT COMPLETING HIS LETTER ORDER ECF NO. 25; For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

18. Appellant Argues That; U.S. District Court Erred In Granting Honorable Paul W. Grimm's Motion To Dismiss, ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905, Because; APPELLANT DOES NOT DESERVE BEING KEPT IN SUSPENSE BY HONORABLE JUDGE GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

19. Appellant By This Appeal Realleges Appellant's Five (5) Counts Of Causes Of Action Against Honorable Judge Grimm Because; U.S. District Court DID NOT PROVIDE ANY REASON OR REASONS FOR HONORABLE JUDGE GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

20. WHEREFORE, the foregoing considered; Appellant By This Appeal Moves The United States Court of Appeal For The Fourth Circuit To Reverse The U.S. District Court's ORDER ECF NO. 18 Granting ECF No.12; Appellee's Motion to Dismiss, And Deny

The Dismissing Of Appellant's Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271, Because, U.S. District Court Did Not Provide Any Information On Honorable Judge Grimm's Reason Or Reasons Of Honorable Judge Grimm's Refusal To Complete His LETTER ORDER ECF NO. 25; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, For Civil Case No. 8:13-cv-03707-PWG Entered On December 3, 2014; And It Has Pasted Five (5) Years.

III. Issue No. 2: Whether U.S. District Court Erred in Denying Appellant's Motion for the Removal of the Civil Case No. 8:19-cv-00248-PWG and Civil Case No. 8:19-cv-01071-PWG from Honorable Paul W. Grimm, ECF No. 10; for Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271

A. Issue No. 2; Enquiry:

21. Appellant By ISSUE NO. 2; Presents Enquiry With Supporting Arguments and Exhibits For The United States Fourth Circuit Court's Review and Consideration And This Enquiry And Arguments Are Briefly Described Hereunder As Follows:

Whether U.S. District Court Erred In Denying Appellant's Motion For The Removal Of The Civil Case No. 8:19-cv-00248-PWG and Civil Case No. 8:19-cv-01071-PWG From Honorable Paul W. Grimm, ECF No. 10; Of The Civil Case *Emmanuel Edokobi v. Paul Grimm*, 8:19-CV-00905-GJH, Appeal No. 20-1271

B. Issue No. 2: Arguments:

22. Appellant's Arguments On Whether U.S. District Court Erred In Denying Appellant's Motion For The Removal Of The Civil Case No. 8:19-cv-00248-PWG; Appeal; No. 20-1243; *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 19-CV-00905-GJH; Appeal No. 20-1271; *Emmanuel Edokobi v. Paul Grimm*; ECF No. 10; From Honorable Paul W. Grimm, And Appellant's Arguments Are Provided Hereunder As Follows.

23. Appellant Argues That; U.S. District Court Erred In Denying Appellant's Motion For The Removal Of The Civil Case No. 8:19-cv-00248-PWG; Appeal; No. 20-1243; *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 8:19-cv-01071-PWG; Appeal No. 20-1271; *Emmanuel Edokobi v. Paul Grimm*; ECF No. 10; From Honorable Paul W. Grimm, Because; Honorable Judge Paul W. Grimm Was Judicially Disabled To Hear Those Civil Cases, Due To; Appellant's Civil Action Against Honorable Judge Paul W. Grimm, Pending Before This Honorable Court.

24. Appellant Argues That; U.S. District Court Erred In Denying Appellant's Motion For The Removal Of The Civil Case No. 8:19-cv-00248-PWG; Appeal; No. 20-1243; *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 8:19-cv-01071-PWG; Appeal No. 20-1271; *Emmanuel Edokobi v. Paul Grimm*; ECF No. 10; From Honorable Paul W. Grimm, Because; Honorable Judge Paul W. Grimm Was Biased Towards Appellant.

25. Appellant Argues That; U.S. District Court Erred In Denying Appellant's Motion For The Removal Of The Civil Case No. 8:19-cv-00248-PWG; Appeal;

No. 20-1243; *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 8:19-cv-01071-PWG; Appeal No. 20-1271; *Emmanuel Edokobi v. Paul Grimm*; ECF No. 10; From Honorable Paul W. Grimm, Because; Honorable Judge Paul W. Grimm Was Judicially Disabled To Hear These Civil Cases, Because; Honorable Judge Paul W. Grimm Could Not In Good Conscience Provide An Unbiased Decision in the Civil Case No. 8:19-cv-00248-PWG; *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 8:19-cv-01071-PWG; Appeal No. 20-1271; *Emmanuel Edokobi v. Paul Grimm*; Due To; Appellant's Civil Action Against Honorable Judge Paul W. Grimm with Civil Case No. 8:19-cv-00905-GJH; Emmanuel Edokobi v. Paul Grimm Civil Currently Pending Before This Honorable Court with Appeal No. 20-1271. A Copy Of Motion To Remove *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 8:19-cv-01071-PWG; Appeal No. 20-1271 From Honorable Paul W. Grimm Without Exhibits Herein Marked Appellant's Exhibit Number 2.

26. Appellant By This Appeal Realleges Appellant's Five (5) Counts Of Causes Of Action Against Honorable Judge Grimm Because; Honorable Paul W. Grimm Has Refused To Complete His LETTER ORDER ECF NO. 25; For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years.

27. WHEREFORE, the foregoing considered; Appellant By This Appeal Moves The United States Court of Appeal For The Fourth Circuit To Reverse The U.S. District Court's ORDER ECF NO. 18 Granting

ECF No.12; Appellee's Motion to Dismiss, And Deny The Dismissing Of Appellant's Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271, Because, Honorable Judge Paul W. Grimm Was Judicially Disabled To Hear Civil Case No. 8:19-cv-00248-PWG; Appeal; No. 20-1243; *Edokobi v. Toyota Motor Credit Corporation et al*; And Civil Case No. 8:19-cv-01071-PWG; Appeal No. 20-1271; *Emmanuel Edokobi v. Paul Grimm*; Because; Honorable Judge Paul W. Grimm Was Biased Towards Appellant.

IV. Issue No. 3: Whether Honorable Judge Paul W. Grimm Is in Disobedience to Rule 41; Mandate of the United States Court of Appeal for the Fourth Circuit Entered March 19, 2015; Appeal No. 14-2204; Civil Cas No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*

A. Issue No. 3; Enquiry:

28. Appellant By ISSUE NO. 3; Presents Enquiry With Supporting Arguments and Exhibits For The United States Fourth Circuit Court's Review and Consideration And This Enquiry And Arguments Are Briefly Described Hereunder As Follows:

Whether Honorable Judge Paul W. Grimm Is In Disobedience To Rule 41; Mandate Of The United States Court Of Appeal For The Fourth Circuit Entered March 19, 2015; Appeal No. 14-2204; Civil Cas No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*

B. Issue No. 3: Arguments:

29. Appellant's Arguments On Whether Honorable Judge Paul W. Grimm Is In Disobedience To Rule 41; Mandate Of The United States Court Of Appeal For The Fourth Circuit Entered March 19, 2015; By Honorable Judge Paul W. GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Appeal No. 14-2204; Civil Cas No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, And Appellant's Arguments Are Provided Hereunder As Follows.

30. Appellant Argues That; Honorable Judge Paul W. Grimm Is In Disobedience to Rule 41; Mandate Of The United States Court of Appeal For The Fourth Circuit Entered On March 19, 2015; By Honorable Judge Paul W. GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, And That; Honorable Judge Grimm; IS LEGALLY REQUIRED TO COMPLETE HIS LETTER ORDER ECF NO. 25 Entered On December 3, 2015; And United States Court of Appeal For The Fourth Circuit's Mandate For Appeal No. 14-2204; Entered On March 19, 2015 Provides Hereunder In Pertinent Part:

PER CURIAM:

* 2 Although the prefiling injunction determination remains pending in the district court, it appears that the district court has completed its consideration of the merits of this case based on its dismissal of Edokobi's claims. *See Ray Haluch Gravel Co. v. Cent. Pension*

Fund of the Int'l Union of Operating Eng'rs & Participating Emp'rs, 134 S. Ct. 773, 779 (2014) (holding pending motion for attorney's fees collateral to merits for finality purposes). We therefore conclude that the district court's order dismissing Edokobi's complaint as barred by res judicata is final and appealable. (See Unpublished United States Court Of Appeals for The Fourth Circuit Mandate on Case No. 14-2204 (Per Curiam).

A Copy Of The Mandate Herein Marked Appellant's Exhibit Number 3.

31. Appellant Argues That; Honorable Judge Paul W. Grimm Is In Disobedience to Rule 41; Mandate Of The United States Court of Appeal for the Fourth Circuit Entered On March 19, 2015 By Honorable Judge Paul W. GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On March 19, 2015; And That, It Is Now Over Five (5) Years; And That; United States Court of Appeal for the Fourth Circuit Had Issued The Mandate Which Directs That; "Although The Prefiling Injunction Determination Remains Pending In The District Court" And Honorable Judge Paul Grimm Has NOT MADE ANY ATTEMPT TO COMPLETE THE PREFILING INJUNCTION ORDER.

32. Appellant Argues That; Honorable Judge Paul W. Grimm Is In Disobedience To Rule 41; Mandate Of The United States Court of Appeal for the Fourth Circuit Entered On March 19, 2015; By Honorable Judge Paul W. GRIMM'S REFUSAL TO COMPLETE

HIS LETTER ORDER ECF NO. 25 For Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On March 19, 2015; And That; Honorable Judge Paul W. Grimm Has Not Provided Any Reason Or Reasons For His Refusal To Complete His LETTER ORDER ECF NO. 25; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, For Civil Case No. 8:13-cv-03707-PWG Entered On December 3, 2014; And It Has Pasted Five (5) Years.

33. Appellant Argues That; Honorable Judge Paul W. Grimm Is In Disobedience To Rule 41; Mandate Of The United States Court of Appeal for the Fourth Circuit Entered March 19, 2015; By Honorable Judge Paul W. GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 for Civil Case No. 8:13-cv-03707-PWG; Appeal No. 14-2204; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On March 19, 2015; And That; These Fourth Circuit Court's Citations That; Honorable Judge Grimm Applied In His Memorandum of Opinion Used In Dismissing Appellant's Complaint Made It Absolutely Impossible For Honorable Judge Paul W. Grimm NOT TO ADHERE TO Fourth Circuit Court's Mandate Entered On March 19, 2015; And Those Fourth Circuit Court's Citations Are Described Hereunder In The Footnote As Follows:

3 *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982).-(Citation Number-(1); (Page 5).
Lovern v. Edwards, 190 F.3d 648, 654 (4th Cir. 1999).-(Citation Number-(2); (Page 5).
Kerns v. United States, 585 F.3d 187, 192

(4th Cir. 2009)-(Citation Number-(3); (Page 5). *Republican Party of N.C. v. Martin*, 980 F.2d 943, 952 (4th Cir. 1992)-(Citation Number-(4); (Page 6). *Anand v. Ocwen Loan Servicing, LLC*, 754 F.3d 195, 198 (4th Cir. 2014) (Citation Number-(5); (Page 6). *Phillips v. Pitt Cty. Mem. Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009). (Citation Number--(6)—(Page 6). *Consulting Engineers Corp. v. Geometric Ltd.*, 561 F.3d 273, 276 (4th Cir. 2009)-(Citation Number; (7); (Page 7). (Citing *Combs v. Bakker*, 886 F.2d 673, 676 (4th Cir. 1989)). (Citation Number-(8); (Page 7). *Welch v. United States*, 409 F.3d 646, 650 (4th Cir. 2005)--Citation Number-(9); (Page 7). *Int'l Federation of Professional & Technical Engineers v. U.S.*, 934 F. Supp. 2d 816, 820 (D. Md. 2013) (citing *Portsmouth Redev. & Hous. Auth. v. Pierce*, 706 F.2d 471, 473 (4th Cir. 1983)). (Citation Number-(10); (Page 7). D.D.C. 2002); *see also Talbert v. U.S.*, 932 F.2d 1064, 1066 (4th Cir. 1991)-Citation Number (11); (Page 9). *Williams v. United States*, 50 F.3d 299, 304 (4th Cir. 1995) Citation Number-(12); (Page 10). *Randall v. United States*, 95 F.3d 339, 345 (4th Cir. 1996) Citation Number-(13); (Page 11). *Williams v. United States*, 242 F.2d 169, 175 (4th Cir. 2001) Citation Number-(14);- (Page 11). *Forrester v. White*, 484 U.S. 219, 219 (1988). *See also King v. Myers*, 973 F.2d 354, 356 (4th Cir. 1992)--Citation Number-(15). *King v. Myers*, 973 F.2d 354, 356 (4th Cir. 1992) Citation Number (16) (Page 12). *Anderson v. Middleton*, 866 F.2d 1415 (4th

Cir. 1989) (per curium). Citation Number
(17) (Page 17).

34. Appellant By This Appeal Realleges Appellant's Five (5) Counts Of Causes Of Action Against Honorable Judge Grimm Because; Honorable Judge Paul W. Grimm Is In Disobedience To Rule 41; Mandate Of The United States Court of Appeal For The Fourth Circuit Entered On March 19, 2015; By Honorable Judge Paul W. GRIMM'S REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered On December 3, 2014; And It Has Pasted Five (5) Years; And Appellant's Arguments Are Support By These Cases Mentioned Herein. *See Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985); *Smith v. HSBC Bank USA, N.A.*, 679 Fed. Appx. 876 (11th Cir. Feb. 13, 2017); And *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005).

35. WHEREFORE, the foregoing considered; Appellant By This Appeal Moves The United States Court of Appeal For The Fourth Circuit To Reverse The U.S. District Court's ORDER ECF NO. 18 Granting ECF No.12; Appellee's Motion To Dismiss, And Deny The Dismissing Of Appellant's Civil Case Civil Case No.8:19-cv-00905-GJH; *Emmanuel Edokobi v. Paul Grimm*; Because, Honorable Judge Paul W. Grimm Is In Disobedience To Rule 41; MANDATE Of The United States Court of Appeal for the Fourth Circuit's MANDATE Entered On March 19, 2015 For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan*

Gonzalez; Mortgage Specialist, Inc. See Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985).

- V. Issue No. 4: Whether Honorable Judge Paul W. Grimm Exhibited Abuse of Discretion in His Refusal to Complete His Letter Order ECF No. 25; for Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.*, Entered on December 3, 2014

A. Issue No. 4; Enquiry:

36. Appellant By ISSUE NO. 4; Presents Enquiry With Supporting Arguments and Exhibits For The United States Fourth Circuit Court's Review and Consideration And This Enquiry And Arguments Are Briefly Described Hereunder As Follows:

Whether Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION IN HIS REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; PREFILING INJUNCTION AMOUNTS TO

B. Issue No. 4: Arguments;

37. Appellant's Arguments On Whether Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION In REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mort-*

gage Specialist, Inc. Entered On December 3, 2014; And Appellant's Arguments Are Provided Hereunder As Follows.

38. Appellant Argues That, Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION In His REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years; And Appellant's Arguments Are Supported By These Cases Mentioned Herein As Follows: *Pashby v. Delia*, 709 F.3d 307, 319 (4th Cir. 2013); *Koon v. United States*, 518 U.S. 81, 100 (1996) (explaining that a court "by definition abuses its discretion when it makes an error of law; *See Alvarez Lagos v. Barr*, 927 F.3d 236, 255 (4th Cir. 2019).

39. Appellant Argues That, Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION In His REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; Amounts To ABUSE OF DISCRETION, Because; Honorable Judge Paul W. Grimm Did Not Provide His Reason Or Reasons For His REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years. *See Rabkin v. Oregon Health Sciences Univ.*, 350 F.3d 967, 977 (9th Cir. 2003); *Gotthardt v. Nat'l R.R. Passenger Corp.*, 191 F.3d 1148, 1156 (9th Cir. 1999); *Cancellier v. Federated Dep't Stores*, 672 F.2d 1312, 1319 (9th Cir.1982); *United States v. Washington*, 157 F.3d 630, 642 (9th Cir. 1998); And *Int'l Jensen*,

Inc. v. Metrosound U.S.A., Inc., 4 F.3d 819, 822 (9th Cir. 1993) (internal quotations and citation omitted).

40. Appellant Argues That, Honorable Judge Paul W. Grimm's REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 Amounts To ABUSE OF DISCRETION, Because; Honorable Judge Paul W. Grimm Has The RESPONSIBILITY TO COMPLETE HIS LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

41. Appellant Argues That, Honorable Judge Paul W. Grimm's REFUSAL TO COMPLETE HIS LETTER ORDER ECF NO. 25 Amounts To ABUSE OF DISCRETION, Because; Honorable Judge Paul W. Grimm Intentionally Ignored To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; Because, Honorable Judge Paul W. Grimm's Refusal To Complete His LETTER ORDER ECF NO. 25; Entered On December 3, 2014; And It Has Pasted Five (5) Years.

42. Appellant Argues That, Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION In Refusal To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And These Cases Mentioned Herein Support Appellant's Arguments; *See Fusaro v. Cogan*, 930 F.3d 241, 248 (4th Cir. 2019) (explaining abuse of discretion standard); *cf. Henderson ex rel. NLRB v.*

Bluefield Hosp. Co., 902 F.3d 432, 439 (4th Cir. 2018); *Centro Tepeyac v. Montgomery Cty.*, 722 F.3d 184, 188 (4th Cir. 2013) (en banc); And *Quince Orchard Valley Citizens Ass'n v. Hodel*, 872 F.2d 75, 78 (4th Cir.1989).

43. Appellant Argues That, Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION In Refusal To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc.*, *Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And Appellant's Arguments Are Supported By These Cases Mentioned Herein As Follows; *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1145 & n.21 (10th Cir. 2013) (en banc). We then evaluate the court's "ultimate decision" to deny injunctive relief for abuse of discretion; *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 428 (2006); And *Booth v. Wal-Mart Stores, Inc.*, 201 F.3d 335 (4th Cir. 2000) when deciding whether the administrator's denial of coverage was an abuse of discretion.

44. Appellant By This Appeal Realleges Appellant's Five (5) Counts Of Causes Of Action Against Honorable Judge Grimm Because; Exhibited ABUSE OF DISCRETION In Refusal To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc.*, *Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And Honorable Judge Paul W. Grimm's Refusal To Complete His LETTER ORDER ECF NO. 25 Amounts To ABUSE OF DISCRETION; See *Fusaro v. Cogan*, 930 F.3d 241, 246 (4th Cir. 2019); *Centro Tepeyac v.*

Montgomery Cty., 722 F.3d 184, 188 (4th Cir. 2013) (en banc) And *Quince Orchard Valley Citizens Ass'n v. Hodel*, 872 F.2d 75, 78 (4th Cir.1989).

45. WHEREFORE, the foregoing considered; Appellant By This Appeal Moves The United States Court of Appeal For The Fourth Circuit To Reverse The U.S. District Court's ORDER ECF NO. 18 Granting ECF No.12; Appellee's Motion To Dismiss, And Deny The Dismissing Of Appellant's Civil Case Civil Case No.8:19-cv-00905-GJH; *Emmanuel Edokobi v. Paul Grimm*; Because, Honorable Judge Paul W. Grimm Exhibited ABUSE OF DISCRETION In Refusal To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years And That; Honorable Judge Paul W. Grimm Did Not Provide His Reason Or Reasons For His Refusal To His LETTER ORDER ECF NO. 25; Entered On December 3, 2014.

VI. Issue No. 5: Whether Honorable Judge Grimm's Assertion of the Court Lacks Jurisdiction Admissible in the Civil Case

A. Issue No. 5; Enquiry:

46. Appellant By ISSUE NO. 5; Presents Enquiry With Supporting Arguments and Exhibits For The United States Fourth Circuit Court's Review and Consideration And This Enquiry And Arguments Are Briefly Described Hereunder As Follows:

Whether Honorable Judge Grimm's Assertion
Of the Court Lacks Jurisdiction Admissible
In The Civil Case

B. Issue No. 5; Arguments:

47. Appellant's Arguments On Whether Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction Admissible In This Civil Case And Appellant's ISSUE NO. 5; ARGUMENTS Are Provided In Response To Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction In ECF No. 18 at p.14-15.

48. Appellant Argues That, Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because, Honorable Judge Grimm Is Legally Required To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years; And That; Honorable Judge Paul W. Grimm Did Not Provide His Reason Or Reasons For His Refusal To His LETTER ORDER ECF NO. 25; Entered On December 3, 2014.

49. Appellant Argues That, Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because, Honorable Judge Grimm Had Issued The LETTER ORDER ECF NO. 25; And That; Honorable Judge Grimm Should Complete His LETTER ORDER ECF NO. 25; And That Honorable Judge Grimm Does Not Need The Help Of The Court to Complete His LETTER

ORDER ECF NO. 25; Entered On December 3, 2014;
And It Has Pasted Five (5) Years.

50. Appellant Argues That, Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because, The Court Jurisdiction Does Not Extend To Private Decision of The A Judge; And That; Honorable Judge Grimm Is Personally Responsible For The Completion Of His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

51. Appellant Argues That, Honorable Judge Grimm's Assertion Of Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because, Court Lacks Jurisdiction; Is Not Proper Defense To Protect Honorable Judge Grimm From Completing His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

52. Appellant By This Appeal Realleges Appellant's Five (5) Counts Of Causes Of Action Against Honorable Judge Grimm Because; Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because; The Completion Of His LETTER ORDER ECF NO. 25 Is Honorable Judge Grimm's Responsibility And Not The Court.

53. WHEREFORE, the foregoing considered; Appellant By This Appeal Moves The United States

Court of Appeal For The Fourth Circuit To Reverse The U.S. District Court's ORDER ECF NO. 18 Granting ECF No.12; Appellee's Motion To Dismiss, And Deny The Dismissing Of Appellant's Civil Case Civil Case No.8:19-cv-00905-GJH; *Emmanuel Edokobi v. Paul Grimm*; Because, Honorable Judge Paul W. Grimm's Assertion Of the Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because; It Is His Legal Duty To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

VI. Issue No. 6: Whether Honorable Judge Grimm's Assertion of Judicial Immunity Admissible in the Civil Case

A. Issue No. 6; Enquiry:

54. Appellant By ISSUE NO. 6; Presents Enquiry With Supporting Arguments and Exhibits For The United States Fourth Circuit Court's Review and Consideration And This Enquiry And Arguments Are Briefly Described Hereunder As Follows:

Whether Honorable Judge Grimm's Assertion Of Judicial Immunity Admissible In The Civil Case

55. Appellant's Arguments On Whether Honorable Judge Grimm's Assertion Of Judicial Immunity; Admissible In This Civil Case; And Appellant's ISSUE NO. 6; ARGUMENTS Are Provided In Response To Honorable Judge Grimm's Assertion Of Judicial Immunity In ECF No. 18 at p.17-18.

56. Appellant Argues That, Honorable Judge Grimm's Assertion Of Judicial Immunity; Is Not Admissible In This Civil Case; Because, Honorable Judge Grimm Is Legally Responsible To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years; And That; Honorable Judge Paul W. Grimm Did Not Provide His Reason Or Reasons For His Refusal To His LETTER ORDER ECF NO. 25; Entered On December 3, 2014; And It Has Pasted Five (5) Years.

57. Appellant Argues That, Honorable Judge Grimm's Assertion Of Judicial Immunity; Is Not Admissible In This Civil Case; Because, Honorable Judge Grimm Did Not Provide His Reason Or Reasons For Not Completing His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years; And That; Honorable Judge Paul W. Grimm Did Not Provide His Reason Or Reasons For His Refusal To Complete His LETTER ORDER ECF NO. 25; Entered On December 3, 2014; And It Has Pasted Five (5) Years.

58. Appellant Argues That, Honorable Judge Grimm's Assertion Of Judicial Immunity; Is Not Admissible In This Civil Case; Because, Judicial Immunity Is Not Proper Defense To Protect Honorable Judge Grimm From Completing His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage*

Services Inc., Juan Gonzalez; Mortgage Specialist, Inc. Entered On December 3, 2014; And It Has Pasted Five (5) Years.

59. Appellant Argues That, Honorable Judge Grimm's Assertion Of Judicial Immunity; Is Not Admissible In This Civil Case; Because, Judicial Immunity Cannot Be Used To Cover Honorable Judge Grimm's Unwillingness To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

60. Appellant Argues That, Honorable Judge Grimm's Assertion Of Judicial Immunity; Is Not Admissible In This Civil Case; Because, Judicial Immunity Is Not Available To Protect Honorable Judge Grimm's Refusal To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

61. Appellant By This Appeal Realleges Appellant's Five (5) Counts Of Causes Of Action Against Honorable Judge Grimm Because; Honorable Judge Grimm's Assertion Of the Court Lacks Jurisdiction; Is Not Admissible In This Civil Case; Because; The Completion Of His LETTER ORDER ECF NO. 25 Is Honorable Judge Grimm's Responsibility And Not The Court.

62. WHEREFORE, the foregoing considered; Appellant By This Appeal Moves The United States

Court of Appeal For The Fourth Circuit To Reverse The U.S. District Court's ORDER ECF NO. 18 Granting ECF No.12; Appellee's Motion To Dismiss, And Deny The Dismissing Of Appellant's Civil Case Civil Case No.8:19-cv-00905-GJH; *Emmanuel Edokobi v. Paul Grimm*; Because, Honorable Judge Paul W. Grimm's Assertion Of Judicial Immunity; Is Not Admissible In This Civil Case; Because; It Is His Legal Duty To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez, Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

VII. Issue No. 7: Relief Requested

63. IDENTIFY THE PRECISE ACTION YOU WANT THE COURT OF APPEALS TO TAKE:

64. Appellant By This Appeal Requests The United States Court Of Appeal For the Fourth Circuit To Reverse The U.S. District Court's MEMORANDUM OF OPINION AND ORDER (ECF NO. 18) Singed by Honorable George J. Hazel And Entered On March 4, 2020; And To Reverse These Actions Described Hereunder In The Pertinent Part:

- 1) To Reverse U.S. District Court's The U.S. District Court's MEMORANDUM OF OPINION AND ORDER ECF NO. 18 "ORDER" Granting ECF No.12; Honorable Paul W. Grimm's Motion to Dismiss Complaint ECF No. 12; For Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271.

- 2) To Reverse U.S. District Court's The U.S. District Court's MEMORANDUM OF OPINION AND ORDER ECF NO. 18 "ORDER" Denying ECF No. 10; Appellant's Motion for Removal of the Civil Case No. 8:19-Cv-00248-PWG and Civil Case No. 8:19-CV-01071-PWG From Honorable Paul W. Grimm ECF No. 10; Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271.
- 3) To Order Honorable Judge Grimm To Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

65. Appellant By This Appeal Requests The United States Court of Appeal for the Fourth Circuit to Remand The Civil Case *Emmanuel Edokobi v. Paul Grimm*; 8:19-cv-00905-GJH; Appeal No. 20-1271 So That; Honorable Judge Grimm Will Complete His LETTER ORDER ECF NO. 25; For Appeal No. 14-2204; Civil Case No. 8:13-cv-03707-PWG; *Edokobi v. M & M Mortgage Services Inc., Juan Gonzalez; Mortgage Specialist, Inc.* Entered On December 3, 2014; And It Has Pasted Five (5) Years.

App.66a

Respectfully Submitted,

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