

**PLAINTIFF EMMANUEL EDOKOBI BY
HIMSELF AS A PRO SE ("PLAINTIFF")
FILES A MOTION FOR THE REMOVAL OF
JUDGE PAUL W. GRIMM FROM HEARING
CIVIL CASE 8:19-CV-00248-PWG EDOKOBI V.
TOYOTA MOTOR CREDIT CORPORATION ET AL
PURSUANT TO DISABILITY ACT OF 1980,
28 U.S.C. §§ 351-364 ("ACT"), AND RULES
FOR JUDICIAL-CONDUCT AND JUDICIAL-
DISABILITY PROCEEDINGS,
248 F.R.D. 674 (2008)
(APRIL 5, 2019)**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

EMMANUEL EDOKOBI,

Plaintiff,

v.

TOYOTA MOTOR CREDIT CORPORATION,
ET AL.,

Defendants.

Case No.: 8:19-CV-00248-PWG

Plaintiff Emmanuel Edokobi by Himself as a pro
se ("Plaintiff") files a Motion for the Removal of Judge
Paul W. Grimm From Hearing Civil Case 8:19-cv-

00248-PWG Edokobi v. Toyota Motor Credit Corporation et al Pursuant to Disability Act of 1980, 28 U.S.C. §§ 351-364 ("Act"), and Rules for Judicial-Conduct and Judicial-Disability Proceedings, 248 F.R.D. 674 (2008), and for good cause Plaintiff asserts hereunder as follows:

1. Plaintiff asserts that; Judge Paul W. Grimm is Judicially Disabled to Hear Civil Case 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al because; Plaintiff has filed a Civil Action against Judge Paul W. Grimm with Civil Case No. 8:19-cv-00905-GJH currently pending in this Court.

2. Plaintiff asserts that; Judge Paul W. Grimm is Judicially Disabled to Hear Civil Case 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al because; these documents mentioned hereunder have been filed in relation to Civil Case No. 8:19-cv-00905-GJH.

- A. Standing Order Concerning Removal ("ORDER") entered in (ECF No. 3) of Civil Case No. 8:19-cv-00905-GJH and Signed by Honorable Judge George Jarrod Hazel.
- B. Copies of Pages 1-2 of Civil Case Docket No. Civil Case No. 8:19-cv-00905-GJH.
- C. Plaintiff's Objections of Contents of Civil Cover Sheet of the Removal Completed by Defendant Grimm (ECF 1-1) of Civil Case No. 8:19-cv-00905-GJH filed on April 3, 2019.
- D. Plaintiff's Disclosure of Affiliations and Financial Interest Pursuant to Local Rule 103.3 (D. Md) in relation Civil Case No. :19-cv-00905-GJH filed on April 3, 2019.

3. Plaintiff asserts that; Judge Paul W. Grimm is Judicially Disabled to Hear Civil Case 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al Pursuant to Civil Case No. 8:19-cv-00905-GJH which Plaintiff has filed against Judge Paul W. Grimm.

4. Plaintiff asserts that; Judge Paul W. Grimm is Judicially Disabled to Hear Civil Case 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al because; Plaintiff will not participate in the Civil Case No. 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al; until the Civil Case is assigned to a different Judge.

5. Plaintiff asserts that; Judge Paul W. Grimm is Judicially Disabled to Hear Civil Case 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al because; Judge Primm cannot 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 because; of the outstanding Plaintiff's Civil Case against Judge Grimm.

6. Wherefore the foregoing considered, Plaintiff requests that, Plaintiff's Civil Case No. 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al; should be assigned to a different Judge at the U.S. District Court for the District of Maryland following Plaintiff's Civil Case No. 8:19-cv-00905-GJH against Judge Paul W. Grimm, because; Judge Grimm Cannot in good conscience provided an unbiased decision in the Civil Case No. 8:19-cv-00248-PWG Edokobi v. Toyota Motor Credit Corporation et al.

App.70a

Respectfully submitted,

/s/ Emmanuel Edokobi

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App.71a

**CIVIL ACTION COMPLAINT
AGAINST JUDGE PAUL W. GRIMM
UNITED STATES DISTRICT JUDGE
(FEBRUARY 25, 2019)**

**THE CIRCUIT COURT
FOR MONTGOMERY COUNTY, MARYLAND**

**EMMANUEL EDOKOBI, 2005 STRATTON DRIVE,
POTOMAC, MARYLAND 20854, Pro Se,**

Plaintiff,

v.

**JUDGE PAUL W. GRIMM (IN HIS PERSONAL AND
OFFICIAL CAPACITIES) 6500 CHERRYWOOD LANE,
GREENBELT, MARYLAND 20770,**

Defendant.

Civil Action No: V463628

**NOW Comes Plaintiff Emmanuel Edokobi by
Himself as a pro se (Plaintiff) brings this Civil Action
under 42 U.S.C. 1983 and 8th Amendment Act of
1959 and Under due process and Equal protection
clauses of 5th and 14th Amendments to the United
States Constitutions and under Maryland Constitution,
Declaration of Rights, Art. 24 Against Defendant Judge
Paul W. Grimm's ("Paul W. Grimm") Refusal to Issue
A Final Court Order On the Proposed Imposition of
Pre-Filing Injunction Against Plaintiff as contained**

in the Judge Paul W. Grimm's LETTER ORDER
Filed on December 3, 2014 in (ECF No, 15) of the Civil
Case 8:13-cv-03707-PWG and Plaintiff hereby demands
a trial by jury on all issues so triable pursuant to
Pursuant to Md. Rule 2-325(A); and Plaintiff will not
stipulate to a jury of less than twelve (12) jurors and
Plaintiff by this Civil Action avers on knowledge,
information, and belief hereunder as follows:

I. Party (Plaintiff)

1. Plaintiff Emmanuel Edokobi is a natural person
and citizen of United States of America and of the
State of Maryland.

2. Plaintiff at all-time relevant to this action is a
resident of Montgomery County and a Homeowner in
Potomac, Maryland.

II. Party (Defendant)

3. Defendant Judge Paul W. Grimm is a natural
person and citizen of United States of America and
Judge Paul W. Grimm is sued for damages in his
personal and official capacities.

4. Defendant Judge Paul W. Grimm at ail-time
relevant to this action is a federal court judge whose
administrative judicial office is at the United States
District Court for the District of Maryland, Southern
Division Location; at 6500 Cherrywood Lane Greenbelt,
Maryland 20770.

III. Jurisdiction and Venue

5. The Jurisdiction of the Circuit Court for
Montgomery County of Maryland is proper because;
this action arises under 42 U.S.C. §§ 1983 et seq. (the

“Civil Rights Act”) to redress the deprivation of rights secured by the Fourteenth Amendment to the United States Constitution, and Due Process under MD Constitution, Declaration of Rights, Art 24 Due Process.

6. The Jurisdiction of the Circuit Court for Montgomery County of Maryland is proper pursuant to Md. Cts. & Jud. Proc-6-103(b)(3)(4)(5)(6). The Circuit for Montgomery County has Jurisdiction to hear this action pursuant to Md. MD Cts & Jud Pro Code § 1-501.

7. The Venue of Circuit Court for Montgomery County of Maryland is proper because, the Circuit allows compensatory, declaratory, reliefs which Plaintiff seeks against Judge Paul W. Grimm.

8. The Venue of Circuit Court for Montgomery County of Maryland is proper because Circuit Court has subject matter jurisdiction in lawsuits between citizens of different states and the amount in claim is limitless; and Documents relevant to the Claims are located in this County.

IV. Nature of Action

9. This is a civil suit that seeks damages, and declaratory relief and compensation under § 1 of the Civil Rights Act of 1871, as amended, 42 U.S.C. § 1983, against Defendant Judge Paul W. Grimm for committing acts, under color of law, with the intent and for the purpose of depriving Plaintiff of His Rights Secured Under the Constitution and Laws of the United States of America by Defendant Judge Paul W. Grimm’s Refusal to Issue Final Court Order on the Proposed Imposition of Pre-Filing Injunction against Plaintiff as contained in the Judge Paul W.

Grimm's LETTER ORDER Filed on December 3, 2014 in (ECF No. 15) of the Civil Case 8:13-cv-03707-PWG. (See Exhibit Number 1).

10. This is a civil rights case which involves seeking redress for the violation of a person's constitutional rights. This type of claim is often brought under the federal statute, 42 U.S.C. S 1983. Under this law, a person who acts under color of state law to violate another's constitutional rights may be liable for damages.

11. 42 U.S.C. § 1983—States in relevant part:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was-unavailable”.

12. This civil action seeks to challenge Defendant Judge Paul W. Grimm's action, which was committed under color of law with the intent and for the purpose of depriving Plaintiff's Constitutional Right to Fifth Amendment (Amendment V) to the United States Constitution, which is part of the Bill of Rights,

ratified in 1791 by Judge Paul W. Grimm's Failure to Provide Court on the Proposed Imposition of Pre-Filing Injunction Against Plaintiff as contained in the Judge Paul W. Grimm's LETTER ORDER Filed on December 3, 2014 in (ECF No. 15) of the Civil Case 8:13-cv-03707-PWG. (See Exhibit Number).

13. That the DUE PROCESS CLAUSE of the Fifth Amendment and the Fourteenth Amendments to the United States Constitutions States Provide in relevant part as follows:

The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids "double jeopardy," and protects against self-incrimination. It also requires that "DUE PROCESS OF LAW" be part of any proceeding that denies a citizen "life, liberty or property" and requires the government to compensate citizens when it takes private property for public use.

The Fourteenth Amendment states in relevant part:

"[N]or shall any State deprive any person of Life, Liberty, or Property, WITHOUT DUE PROCESS OF LAW"

The Eighth Amendment prohibits cruel and unusual punishments, but also mentions "excessive fines" and bail. The "excessive fines" clause surfaces (among other places) in cases of civil and criminal forfeiture, for example when property is seized during a drug raid."

MD Constitution, Declaration of Rights, Art. 19 provides in pertinent part: "that every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land".

Article 24 of the Maryland, Declaration of Rights provides in pertinent part: "that no man ought to be taken or imprisoned or dis-seized of his freehold, liberties or privileges, our outlawed, or exiled, or, in any manner, destroyed, or Deprived of His Life, Liberty or Property".

V. Plaintiff's Assertions Common to All Complaints

14. On November 13, 2013 Plaintiff filed a Civil Action at the U.S. District Court for the District of Maryland against M & M Mortgage Services, Inc.; Juan Gonzalez; and Mortgage Specialist, Inc., and the Civil Case was designed as *Edokobi v. M & M Mortgage Services, Inc., et al.*, with Civil Case No. PWG-13-3707 and the Civil Case was assigned to Defendant Judge Paul W. Grimm.

15. Plaintiff asserts that; Plaintiff filed the Civil Action against M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist, Inc., because; M and M Mortgage Services Inc., deliberately and willfully destroyed the Conduits Pipes in Plaintiff's House by Using Unconventional Chemicals in their Unsolicited Winterization Activities that M and M Mortgage

Services Inc., Performed at Plaintiff's Private House at 2005 Stratton Drive Potomac, Maryland 20854.

16. Plaintiff asserts that, Plaintiff's House on the Market for Short Sale and that; Plaintiff went to Work and upon returning from work that; M and M Mortgage Services Inc., entered Plaintiff's Plaintiff to Perform the Unsolicited Winterization Activities.

17. Plaintiff asserts that, M and M Mortgage Services Inc., after Performing the Unsolicited Winterization Activities that; M and M Mortgage Services Inc., Lock Plaintiff with Different Locks wherefore Plaintiff Was Not Able To Enter Plaintiff's House After Returning From Work.

18. Plaintiff asserts that; M and M Mortgage Services Inc., Did Not Provide Documents on the Winterization Activities that M and M Mortgage Services Inc., performed inside Plaintiff's House and that; M and M Mortgage Services Inc., Did Not Leave Contact information.

19. Plaintiff asserts that; Plaintiff filed the Civil Action against M and M Mortgage Services Inc., Juan Gonzalez and Mortgage Specialist, Inc., because M and M Mortgage Services Inc., deliberately and willfully destroyed the Conduits Pipes in Plaintiff's House by Using Unconventional Chemicals in their Unsolicited Winterization Activities that M and M Mortgage Services Inc., while the Plaintiff was on the Market for Short Sale and While Plaintiff was at Work.

20. Plaintiff asserts that, Plaintiff Called Litton Loan Servicing LP who was Plaintiff Loan Servicer to obtain information on the Winterization, so that; Plaintiff could provide the Winterization Documents

to the Would-Be-Buyers of Plaintiffs House which was about Twenty-six (26) Days in the Market for the Short Sale.

21. Plaintiff asserts that Litton Loan Servicing LP informed Plaintiff that; Litton Loan Servicing LP Did Not Order for the Winterization at Plaintiff's House.

22. Plaintiff asserts that, after a protracted legal action with Litton Loan Servicing LP that; gone even to the United States Supreme Court that; Plaintiff and Litton Loan Servicing LP Made Peace and that; Plaintiff Accepted Litton Loan Servicing LP's Offer for the Sale of Plaintiff's House on Short Sale Agreement.

23. Plaintiff asserts that, Plaintiff had received numerous Offers and that; Plaintiff was delaying the acceptance of an Offer because; Plaintiff had not received Winterization Documents.

24. Plaintiff asserts that; M and M Mortgage Services Inc., Refused to Release the Winterization Documents because; M and M Mortgage Services Inc., deliberately and willfully destroyed the Conduits Pipes in Plaintiff's House by Using Unconventional Chemicals in their Unsolicited Winterization Activities and that; up till this moment that; A Section of Plaintiff 's House continues to Leak-Bath Water on the Walls.

25. Plaintiff asserts that; Plaintiff Has Spent Well-over Thirty-two (\$32,000.00) in the Repairs of those Conduit Pipes that, M and M Mortgage Services Inc., deliberately and willfully destroyed at Plaintiff's House by Using Unconventional Chemicals in their Unsolicited Winterization Activities at Plaintiff's House.

26. Plaintiff asserts that, Plaintiff would have remained in serious legal battles with Anybody that, had purchased Plaintiff's House Without Full Disclosure of the Winterization Activities.

VI. Plaintiff's Legal Action Against M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist, Inc., Was Proper

27. Plaintiff's legal action against M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist, Inc., was proper; because M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist, Inc., Did Not Have the Legal Right to Winterized Plaintiff's House.

28. Plaintiff's legal action against M & M Mortgage Services, Inc.; Juan Gonzalez; and Mortgage Specialist, Inc., was proper; because M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist, Inc., Did Not Have the Legal Right to Lock Plaintiff's House Without Court Orders.

29. Plaintiff's legal action M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist, Inc was proper; because M and M Mortgage Services Inc., Should Not Have Winterized Plaintiff's House Without Plaintiff's Knowledge because, Plaintiff's House was on the Market for the Short Sale as Arranged by Plaintiff and Litton Loan Servicing LP.

30. Plaintiff's legal action against M & M Mortgage Services, Inc.; Juan Gonzalez and Mortgage Specialist; was properly taken and that; Defendant Judge Paul W. Grimm Did Not See Plaintiff As A Peaceful Man Who Had Forgone all the Mistreatments

that Litton Loan Servicing LP had meted upon Plaintiff.

31. Defendant Judge Paul W. Grimm Did Not See Plaintiff As A Peaceful Man Who Had Forgone all the Mistreatments that Litton Loan Servicing LP had meted upon Plaintiff that; includes the Destruction of Plaintiffs Personal Properties Kept inside Plaintiffs House at 2005 Stratton Drive Potomac, Maryland 20854.

32. Defendant Judge Paul W. Grimm Did Not See Plaintiff As A Peaceful Man Who Had Forgone all the Mistreatments that Litton Loan Servicing LP had meted upon Plaintiff that; includes Locking Plaintiff's House Without Court Orders.

33. Defendant Judge Paul W. Grimm Did Not See Plaintiff As A Peaceful Man Who Had Forgone all the Mistreatments that Litton Loan Servicing LP had meted upon Plaintiff that; includes Sending People to be Spying on Plaintiffs Movements including while Plaintiff was Sleeping inside Plaintiff's House.

VII. Court Proposed Imposition of Pre-Filing Injunction Against Plaintiff as Contained in the Judge Paul W. Grimm's Letter Order

34. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled by Issuing Court Proposed Imposition of Pre-Filing Injunction Against Plaintiff as contained in Defendant Judge Paul W. Grimm's LETTER ORDER and a copy of Defendant's Defendant Judge Paul W. Grimm's Order is inserted in the Footnote Number 1 hereunder as follows:

1 A Copy of Court Proposed Imposition of Pre-Filing Injunction Against Who as contained in Defendant Judge Paul W. Grimm's LETTER ORDER is hereby Marked Exhibit Number 1.

35. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker That; Must Be Controlled, because; when M & M Mortgage Services, Inc.; Mortgage Specialist, Inc and Juan Gonzalez's Attorneys Filed A Motion for Sanction Against Plaintiff that; Defendant Judge Paul W. Grimm Granted the Motion for Sanction Against An Innocent Man.

36. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, because; Defendant Judge Paul W. Grimm Wanted to Satisfy the Demands of the Corporate Attorneys.

2 A copy of M and M Mortgage Services Inc., and Juan Gonzalez's Attorneys filed Motion for Sanction Against Plaintiff that; Defendant Judge Paul W. Grimm Granted is hereby Marked Exhibit Number 2.

37. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, because; Defendant Judge Paul W. Grimm Did Not Consider all those Valid Points that Plaintiff had raised in Plaintiff's Motion in Opposition to M & M Mortgage Services, Inc.; Mortgage Specialist, Inc., and Juan Gonzalez's Attorneys' Motion for Sanction Against Plaintiff.

38. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, and that; Plaintiff Did Not Deserve To Be Sanctioned as Demanded by M and M Mortgage Services Inc.,

Mortgage Specialist, Inc., and Juan Gonzalez's Attorneys.

A copy of Plaintiff's Motion in Opposition to M and M Mortgage Services Inc., and Juan Gonzalez's Attorneys' Motion for Sanction Against Plaintiff is hereby Marked Exhibit Number 3.

39. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, because; Defendant Judge Paul W. Grimm Does Not Want To Consider The United States Court Of Appeals For The Fourth Circuit's Per Curiam on the Appeal on M and M Mortgage Services Inc., Mortgage Specialist, Inc., and Juan Gonzalez; which says that; "Prefiling Injunction Determination Remains Pending in the District Court" and that; Defendant Paul W. Grimm Does Not Want to Provide the Closure of the Civil Action.

40. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, because; the Prefiling Injunction Determination Remains Pending in the District Court" and it is now approaching Five (5) Years that; Defendant Paul W. Grimm Refused to Issue His Final Order on the "Prefiling Injunction Against Plaintiff Pending in the District Court" as indicated in The United States Court Of Appeals For The Fourth Circuit's Per Curiam issued on March 19, 2015.

4 A copy of The United States Court Of Appeals For The Fourth Circuit's Per Curiam is hereby Marked Exhibit Number 4.

41. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, for

which Defendant Paul W. Grimm Wants to Punish Plaintiff by Defendant Paul W. Grimm's Refusal to bring to a Closure the Prefiling Injunction Against Plaintiff which is Pending in the District Court Since December 12, 2014. (See Exhibit Number 1).

42. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, for which Defendant Paul W. Grimm 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.

VIII. Causes of Action

Count 1—Violation of Constitutional and Civil Rights of Due Process Under the Fourteenth Amendment Pursuant to 42 U.S.C. §§ 1983 (Against Defendant Judge Paul W. Grimm)

43. Plaintiff incorporates by reference the allegations set forth at paragraphs 1 through 42 as though fully set forth herein.

44. As set forth herein, Violation of Constitutional and Civil Rights of Due Process under the Fourteenth Amendment to the United States Constitution Pursuant to 42 U.S.C. §§ 1983 against Defendant Judge Paul W. Grimm.

45. Defendant Paul W. Grimm's 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-PWG is a blatant violation of Plaintiffs Due Process.

46. Defendant Judge Paul W. Grimm's Refusal to bring to a Closure the Prefiling Injunction Against Plaintiff Pending in the District Court Since December 12, 2014 was an action committed under color of law with the intent and for the purpose of depriving Plaintiff's Constitutional Right to Due Process pursuant to Fourteenth Amendment to the United States Constitution adopted July 9, 1868.

47. That Defendant Judge Paul W. Grimm's action has deprived Plaintiff of His Fourteenth Amendment Due Process and Equal Protection Of The Laws.

48. Defendant Judge Paul W. Grimm in the LETTER ORDER Filed on December 3, 2014 States Very Clearly that; Defendant Judge Paul W. Grimm was waiting for The United States Court Of Appeals For The Fourth Circuit's Decision; Before He Could Issue His Final Ruling on the Pre-Filing Injunction Against Plaintiff and that; The United States Court Of Appeals For The Fourth Circuit's Per Curiam was filed on March 19, 2015. (See Exhibits 1 and 4).

49. WHEREFORE, Plaintiff respectfully requests this Court to grant Plaintiff Declaratory Judgment against Judge Paul W. Grimm and the Other Relief Set Forth Hereinafter in the Demand for Relief:

Count 2—Violation of Right of Due Process to the Fourteenth Amendment to the United States Constitution, and Article 24 of the Maryland Constitution, Declaration of Rights 42 U.S.C. 1983 (Against Defendant Judge Paul W. Grimm)

50. Plaintiff incorporates by reference the allegations set forth at paragraphs 1 through 49 as though fully set forth herein.

51. As set forth herein, Violation of Right of Due Process to the Fourteenth Amendment to the United States Constitution, and Due Process of Article 24 of the Maryland Constitution, Declaration of Rights Pursuant to 42 U.S.C. 1983 against Defendant Judge Paul W. Grimm.

52. The Maryland Constitution Declaration of Rights, Art. 24 states Due Process protections of Plaintiffs:

“That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land (amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978)”.

53. Plaintiff asserts that; Maryland's Constitution includes increased protections under its Declaration of Rights for historical natural rights rooted in the history and tradition of English common law as they existed on July 4, 1776 and has made those rights unalienable unless specifically abrogated by statute of the Legislature of Maryland, or by judicial ruling.

54. Accordingly, the actions and practice fail constitutional muster under strict scrutiny and are therefore illegal and unconstitutional for Defendant Judge Paul W. Grimm to violation Plaintiffs Right of Due Process to the Fourteenth Amendment to the United States Constitution, and Due Process of Article 24 of the Maryland Constitution, Declaration of Rights Pursuant to 42 U.S.C. 1983.

55. Plaintiff is suffering and will continue to suffer irreparable harm because of Defendant's Action of 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-PWG which is a blatant violation of Plaintiffs Due Process.

56. Plaintiff Has No Adequate Remedy at law and as such apply to this Court for Declaratory Relief and Defendant Judge Paul W. Grimm.

57. For these violations Plaintiffs have been harmed and incurred severe emotional damages.

58. WHEREFORE, Plaintiff respectfully requests this Court to grant Plaintiff Declaratory Judgment against Judge Paul W. Grimm and the Other Relief Set Forth Hereinafter in the Demand for Relief:

Count 3—Violation of Eighth Amendment of Cruel and Unusual Punishments Constitutional and Civil Rights Pursuant to 42 U.S.C. §§ 1983 (Against Defendant Judge Paul W. Grimm)

59. Plaintiff incorporates by reference the allegations set forth at paragraphs 1 through 58 as though fully set forth herein.

60. As set forth herein, Violation of Eighth Amendment of Cruel and unusual punishments Constitutional and Civil Rights Violation Pursuant to 42 U.S.C. §§ 1983 Against Defendant Judge Paul W. Grimm.

61. Defendant Judge Paul W. Grimm's Refusal to Issue His Final 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-PWG is designed to Punish Plaintiff severely.

62. Federal Defendants in their Motion to Consolidate Plaintiff's Actions Cited Defendant Judge Paul W. Grimm's Prefiling Injunction Against Plaintiff.

63. Defendants in the Plaintiff's Civil Action against Mondo International LLC, et al., Cited Defendant Judge Paul W. Grimm's Prefiling Injunction Against Plaintiff in their Motions.

64. Defendant in the Plaintiff's Civil Action against Toyota Motor Credit Corporation et al, Cited Defendant Judge Paul W. Grimm's Prefiling Injunction Against Plaintiff in His Motion.

65. Plaintiff is suffering and will continue to suffer irreparable harm because of Defendant's Action of 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-PWG which is a blatant violation of Plaintiff's Due Process

66. Plaintiff Has No Adequate Remedy at law and as such apply to this Court for Declaratory Relief and Defendant Judge Paul W. Grimm.

67. WHEREFORE, Plaintiff respectfully requests this Court to grant Plaintiff Declaratory Judgment against Judge Paul W. Grimm and the Other Relief Set Forth Hereinafter in the Demand for Relief:

**Count 4—Abuse of Power and Judicial Misconduct
(Against Defendant Judge Paul W. Grimm)**

68. Plaintiff incorporates by reference the allegations set forth at paragraphs 1 through 67 as though fully set forth herein.

69. As set forth herein, abuse of Power and Judicial Misconduct against Judge Paul W. Grimm.

70. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, because; the Prefiling Injunction Determination Remains Pending in the District Court” and it is now approaching Five (5) Years that; Defendant Paul W. Grimm Has Refused to Issue His Final Order on the “Prefiling Injunction Against Plaintiff Pending in the District Court”.

71. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, because; Defendant Judge Paul W. Grimm Did Not Consider all those Valid Points that Plaintiff had raised in Plaintiff's Motion in Opposition to M & M Mortgage Services, Inc.; Mortgage Specialist, Inc., and Juan Gonzalez's Attorneys' Motion for Sanction Against Plaintiff.

72. Defendant Judge Paul W. Grimm Sees Plaintiff As A Trouble-Maker Who; Must Be Controlled, and that; Plaintiff Did Not Deserve To Be Sanctioned as Demanded by M and M Mortgage Services Inc.,

Mortgage Specialist, Inc., and Juan Gonzalez's Attorneys

73. Plaintiff is suffering and will continue to suffer irreparable harm because of Defendant's Action of Refusal to Issue the Final Court Order on the Pre-filing Injunction Against Plaintiff Pending in the District Court Since December 12, 2014 for Civil Case Number Case 8:13-cv-03707-PWG.

74. For these violations Plaintiffs have been harmed and incurred severe emotional damages.

75. WHEREFORE, Plaintiff respectfully requests this Court to grant Plaintiff Declaratory Judgment against Judge Paul W. Grimm and the Other Relief Set Forth Hereinafter in the Demand for Relief:

Count 5—Violation of Due Process of Fifth Amendment to the United States Constitution By Depriving Plaintiff's Due Process of Law (Against Defendant Judge Paul Grimm)

76. Plaintiff incorporates by reference the allegations set forth at paragraphs 1 through 75 as though fully set forth herein.

77. As set forth herein, Violation of Due Process of Fifth Amendment to the United States Constitution by Depriving Plaintiff's Due Process Against Judge Paul W. Grimm.

The Fifth Amendment states in relevant part: "No person shall be . . . [d]eprived of life, Liberty, Or Property, without Due process of law."

78. Defendant Judge Paul W. Grimm's Refusal to Issue the Final Order the Prefiling Injunction Against Plaintiff Pending in the District Court Since

December 12, 2014 for Civil Case Number Case 8:13-cv-03707-PWG is a blatant violation of Plaintiff's Due Process pursuant to Fifth Amendment.

79. Defendant Judge Paul W. Grimm Has Not Provided His Reason or Reason for His Refusal to Issued His Final Order on Prefiling Injunction Against Plaintiff Pending in the District Court Since December 12, 2014. (Exhibits 1 and 4).

80. Plaintiff is suffering and will continue to suffer irreparable harm because of Defendant's Action of Refusal to Issue the Final Court Order on the Profiling Injunction Against Plaintiff Pending in the District Court Since December 12, 2014 for Civil Case Number Case 8:13-cv-03707-PWG.

81. For these violations Plaintiffs have been harmed and incurred severe emotional damages.

82. WHEREFORE, Plaintiff respectfully requests this Court to grant Plaintiff Declaratory Judgment against Judge Paul W. Grimm and the Other Relief Set Forth Hereinafter in the Demand for Relief: WHEREFORE, Plaintiffs respectfully request that the court grant the relief set forth hereinafter in the request for relief.

XI. Petition for Relief

WHEREFORE, Plaintiff's Petition for Declaratory Judgment against Defendant Judge Paul W. Grimm as follows:

- A. A declaration that Defendant Judge Paul W. Grimm's Refusal to Issue A Final Order on the Prefiling Injunction Against Plaintiff

Pending in the District Court Since December 12, 2014 violates Plaintiff's Due Process;

- B. A declaration that Defendant Judge Paul W. Grimm's Refusal to Issue the Final Order on the Pre-filing Injunction Against Plaintiff Pending in the District Court Since December 3, 2014 amounts to punishment against Plaintiff;
- C. A declaration that Defendant Judge Paul W. Grimm Should Not Be Involved Any Civil Case Involving Plaintiff at the United States District Court for the District of Maryland;
- D. A declaration that Defendant Judge Paul W. Grimm Should Issue the Final Order on the Prefiling Injunction Against Plaintiff Pending in the District Court Since December 3, 2014;
- E. A declaration that Defendant Judge Paul W. Grimm Should Not Handle Plaintiff's Civil Case Against Toyota Motor Credit Corporation currenting Pending at the United States District Court for the District of Maryland;
- F. A declaration that Defendant Plaintiff's Civil Case Against Toyota Motor Credit Corporation currenting Pending at the United States District Court for the District of Maryland Should Be Handled By A Different Judge;
- G. A declaratory Damages-Compensatory and Judgment-Declaratory against Judge Paul W. Grimm;
- H. A declaration and other any relief that this court deems just and proper, and any other

relief as allowed by law should be granted
to Plaintiff

X. Jury Trial Demand

83. Plaintiff hereby demands a trial by jury on all issues so triable pursuant to and Plaintiff hereby demands a trial by jury on all issues so triable pursuant to Pursuant to Md. Rule 2-325(A); and Plaintiff will not stipulate to a jury of less than twelve (12) jurors.

84. Respectfully Submitted This Day Monday
February 25th, 2019.

Respectfully Submitted,

/s/ Emmanuel Edokobi

Pro Se

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OPINION OF THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT
(MARCH 19, 2015)

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

EMMANUEL EDOKOBI,

Plaintiff-Appellant,

v.

M & M MORTGAGE SERVICES, INC.; JUAN
GONZALEZ; MORTGAGE SPECIALIST, INC.,

Defendants-Appellees.

No. 14-2204

Appeal from the United States District Court for the
District of Maryland, at Greenbelt. Paul W. Grimm,
District Judge. (8:13-cv-03707-PWG)

Before: WILKINSON and KING, Circuit Judges, and
DAVIS, Senior Circuit Judge.

PER CURIAM:

Emmanuel Edokobi appeals the district court's
order granting the motion to dismiss filed by M & M
Mortgage Services, Inc., and Juan Gonzalez and dis-
missing his complaint against all Defendants as barred

by the doctrine of res judicata.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Edokobi v. M & M Mortg. Servs., Inc.*, No. 8:13-cv-03707-PWG (D. Md. Oct. 22, 2014). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Although the prefilings 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.

**LETTER ORDER OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(DECEMBER 3, 2014)**

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. M & M Mortgage Services Inc.*
PWG-13-3707

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

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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.

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

/s/

Paul W. Grimm
United States District Judge

lyb

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**DEFENDANTS' M&M MORTGAGE SERVICES
INC. AND JUAN GONZALEZ,
MOTION FOR SANCTIONS
(JUNE 9, 2016)**

A Copy Of M And M Mortgage Services Inc., Mortgage
Specialist, Inc., And Juan Gonzalez's Attorneys Motion
For Sanction Against Plaintiff That; Defendant Judge
Paul W. Grimm Granted Marked Exhibit Number 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EMMANUEL EDOKOBI,

Plaintiff,

v.

M & M MORTGAGE SERVICES, INC., ET AL.,

Defendants.

Civil Action No. 8:13-cv-03707-PWG

Defendants, M&M Mortgage Services, Inc. ("M&M") and Juan Gonzalez ("Mr. Gonzalez") (collectively "Defendants"), by and through their undersigned counsel, pursuant to Rule 11(c), respectfully submit this Motion for Sanctions and for reasons state:

1. This is an action brought by a serial *pro se* Plaintiff against Defendants M&M Mortgage Services, Inc., Juan Gonzalez, and another, whereby Plaintiff seeks compensatory, punitive, and declaratory relief for injuries and damages allegedly sustained after his abandoned property was inspected, secured and winterized in 2010. This is Plaintiff's fourth (4) suit in this Honorable Court regarding these allegations (the prior three being fully identified and discussed in the accompanying Memorandum of Points and Authorities). Two of those cases have resulted in Orders in which specific factual determinations have been made which demonstrate that the Plaintiff's claims are not warranted by existing law. Furthermore,

M&M and Mr. Gonzalez represent Defendants 9 and 10 respectively who have had to respond to the Plaintiff's harassing allegations arising out of the same set of facts.

2. Plaintiff has been presented with an opportunity to dismiss his Complaint, but has refused to do so.

3. M&M Mortgage Services, Inc. and Juan Gonzalez served, pursuant to Rule 5, a copy of this Motion on May 16, 2014, however, to date (it now being 21 days after this motion was served on Plaintiff), Plaintiff has refused to dismiss his Complaint against M&M and Mr. Gonzalez. M&M and Mr. Gonzalez pray this honorable Court incorporate herein by reference its attached Memorandum of Points and Authorities which is being served contemporaneously with this instant motion.

WHEREFORE, Defendants, M&M Mortgage Services, Inc. and Juan Gonzalez, respectfully request that this Honorable Court grant this Motion, award it all of its costs incurred related to responding to the Complaint and drafting and filing this instant motion, and grant any additional relief as this Court deems just and necessary.

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Respectfully submitted,

/s/

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Attorneys for Defendants

M & M Mortgage Services, Inc. and Juan Gonzalez

Dated: 6/9/16

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**PLAINTIFF FILES OPPOSITION MOTION TO
DEFENDANTS' M&M MORTGAGE SERVICES
INC., AND JUAN GONZALEZ MOTION
FOR SANCTIONS
(JUNE 23, 2014)**

A Copy Of Plaintiff's Motion In Opposition To M And M
Mortgage Services Inc., And Juan Gonzalez's Attorneys'
Motion For Sanction Against Plaintiff Marked Ex-
hibit Number 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(GREENBELT, SOUTHERN DIVISION)

EMMANUEL EDOKOBI,

Plaintiff,

v.

M & M MORTGAGE SERVICES, INC., ET AL.,

Defendants.

Civil Action No. 8:13-cv-03707-PWG

Plaintiff, EMMANUEL EDOKOBI, pro se, respectfully files this Opposition Motion to M&M Mortgage Services Inc., and Juan Gonzalez's Motion Memorandum of Points and Authorities in Support of their Motion for Sanctions in the above captioned matter, and Plaintiff by this Opposition Motion moves the Honorable Court to Deny Defendants' Motion, because, Defendants' Motion lacks merit of the law and facts including lack of documentary evidence that contradicts Plaintiff's Claims, which Plaintiff has established in the Complaint, and that, Plaintiff's Opposition is based on these well-stated grounds:

I. Introduction

1. Plaintiff by this Opposition states that, Defendants M&M Mortgage Services Inc. and Juan Gonzalez have filed eight (8) pages of memorandum of points and authorities in support of their motion

for sanctions and that, Defendants' Motion is nothing but, impugns and vicious attacks on Plaintiff's Complaint and Plaintiff's Character and that, Defendants' Current Motion for Sanctions is a Repetition of Defendants' Previous Motion to Dismiss for Failure to State a Claim, which Defendants filed on March 25, 2014 and that, Defendants' Motion to Dismiss is in Docket Number 5 of this Civil Action.

2. Plaintiff by this Opposition states that, Defendants' New Current Motion for Sanctions are designed to lure the Honorable Court into Defendants' legal contraptions, and that Court is a neutral and unbiased institution, which should not be involved in assisting Defendants to solve Defendants' Civil Action, because, Defendants did not consult the Court prior to executing those reprehensible conspiracies' activities at Plaintiff's House which gave rise to this civil action against Defendants.

3. Plaintiff by this Opposition states that, it is absolutely unfair for Defendants to file a Motion for Sanctions, because, Plaintiff did not violate any law and that, Plaintiff has been seriously mistreated by the Defendants who performed numerous reprehensible conspiracies activities at different times at Plaintiff's House located at 2005 Stratton Drive in Potomac, Maryland 20854 and these reprehensible conspiracies activities performed by Defendants include; (1) Secret inspection of Plaintiffs House on May 11, 2010; (2) Locking of Plaintiff's House on May 29, 2010; (3) Removal of Plaintiff's Personal Belongings inside Plaintiff's House on May 29, 2010; and (4) Winterizing of Plaintiff's House on December 23, 2010.

4. Plaintiff by this Opposition states that, Defendants have not made any attempt to produce a single

documentary evidence which shows that, Defendants' activities at Plaintiff's House were approved by Avelo Mortgage Loan LLC, who is Plaintiff's Mortgage Loan Servicer; before, during and after the Activities of Defendants at Plaintiff's House, neither; did Defendants produce an Order issued by the Circuit Court for Montgomery County where Plaintiff's House is located and that, Defendants in performing those numerous reprehensible conspiracies activities at Plaintiff's House have had to Usurp the position of the Court, Judge and Sheriff.

5. Plaintiff by this Opposition states that, Defendants in their current motion for sanctions did not produce any documentary evidence, which contradicts any part or portion of Plaintiff's Complaint; rather, Defendants have produced their personal letters, which Defendants have sent to Plaintiff to frighten and to intimidate and to threaten Plaintiff with the Court Sanctions, because, Plaintiff is a Self-represented litigant, wherefore, Defendants could scare and cow Plaintiff into withdrawing His Civil Actions against Defendants, and that if Plaintiff fails to withdraw His Civil Action against Defendants, that Defendants would use legal tools of Court Sanctions to Punish Plaintiff

6. Plaintiff by this Opposition states that, Defendants have punished Plaintiff in Many different ways, which includes Locking of Plaintiff's House without providing Plaintiff their reason or reasons for Locking Plaintiff's House and that, Defendants Locked Plaintiff's House without providing Plaintiff with their contact information, so that, Plaintiff could call Defendants to find out what was the issue for locking Plaintiff's House and that, Defendants did not provide

Plaintiff any prior information that, Defendants would enter inside Plaintiff's House on May 29, 2010; as required by Section 7 of Plaintiff's Deed of Trust.

7. Plaintiff by this Opposition states that, Defendants have punished Plaintiff in many different ways, which includes the Seizure of Plaintiff's Personal Belongings which Defendants removed from inside Plaintiff's House on May 29, 2010; and that, Defendants are still keeping those Plaintiff's Personal Belonging and that Plaintiff does not know the reason or reasons for Defendants to be keeping Plaintiff's Belongings, and that, it is absolutely unfair for Defend to Seized Plaintiff's Personal Belongings.

8. Plaintiff by this Opposition states that Defendants have punished Plaintiff in many different ways, which includes Performing Secret Inspection of Plaintiff's House on May 11, 2010; and that, Defendants had no reason for Performing Secret Inspection of Plaintiff's House, whereas Defendants could have called Plaintiff to obtain any information that, they wanted about Plaintiffs House.

9. Plaintiff by this Opposition states that, Defendants have punished Plaintiff in many different ways, which includes Winterization of Plaintiff's House on December 23, 2010; and that Defendants Winterized Plaintiff's House and refused to provide Plaintiff information on their Winterization Activities, so that, Plaintiff would add the information about the Winterization of Plaintiff's House to the Metropolitan Regional Information Systems, Inc., (MRIS, where Plaintiff's House was listed for Sale at the time of Defendants' Winterization of Plaintiff's House on December 23, 2010.

10. Plaintiff by this Opposition states that, Defendants have at this time decided to punish Plaintiff with Court Sanctions, because, Plaintiff filed a civil action against Defendants who have been mistreating Plaintiff in many different ways, which are numerated in the preceding paragraphs, and that, Plaintiff has had enough of Defendants' punishments.

11. Plaintiff by this Opposition urges the Honorable Court to Deny Defendants' Motion for Sanctions, because, Defendants' Motion was filed in bad faith, and that Defendants want to use the Court Sanctions to punish Plaintiff for filing a civil action against Defendants, who had performed those reprehensible conspiracies activities at Plaintiff's House, and that, Defendants performed those reprehensible conspiracies activities at Plaintiff's House without Court Order and without Work Order issued by Avelo Mortgage LLC who is the Plaintiff's Mortgage Loan Servicer, before; during and after Defendants' activities at Plaintiff's House, and that, Defendants in performing those numerous reprehensible conspiracies activities at Plaintiff's House; that, Defendants have had to Usurp the position of the Court; Judge and Sheriff.

12. Plaintiff by this Motion urges the Honorable Court to Deny Defendants' Motion for Sanctions; because, Plaintiff did not commit any crime by filing a civil action against Defendants for those Defendants' reprehensible conspiracies activities, which Defendants performed at different times at Plaintiff's House located at 2005 Stratton Drive in Potomac, Maryland 20854 which include; (1) Secret. Inspection of Plaintiff's House on May 11, 2010; (2) Locking of Plaintiff's House on May 29, 2010; (3) Removal of Plaintiff's Personal Belongings inside Plaintiff's House on May 29,

2010; and (4) Winterizing of Plaintiff's House on December 23, 2010, and that, Defendants performed each activity without Court Order and without Work Order issued by Avelo Mortgage Loan LLC who is the Plaintiff's Mortgage Loan Servicer, before; during and after Defendants' activities at Plaintiff's House.

II. Statement of Undisputed Facts

13. Plaintiff by this Opposition states that, Defendants have developed a legal mechanism by which Defendants could scare and cow Plaintiff and one of those Defendants' legal mechanisms is to label Plaintiff a serial pro-se litigant as indicated hereunder follows:

1 Plaintiff, Emmanuel Edokobi (hereinafter-Plaintiff), a serial pro-se litigant, has filed an eleven (11) count Complaint against Defendants and Mortgage Specialist Inc. The Complaint, as discussed in more detail below, is a restatement of allegations and claims that have been litigated in this Honorable Court (all previously found to be without merit and either dismissed or judgment entered in favor of defendants by this Honorable Court). Plaintiff alleges in his Complaint that the Defendants, and Mortgage Specialist Inc., acted to secure a property which was collateral for a deed of trust, conspired to violate his constitutional rights and committed other torts in violation of Federal and Maryland law. *See* Compl. (ECF 11. According to the Complaint, the alleged conspiracy was hatched on May 11, 2010, when the Defendants allegedly began conspiring against the Plaintiff, when a

visual inspection was performed on his then abandoned home, when a lock-box was installed on Plaintiff's front door, and when his house was subsequently winterized.

14. Plaintiff by this Opposition stated that, Defendants in deploying their legal mechanism have resolved in blackmailing Plaintiff by calling Plaintiff names, which includes a serial pro-se litigant, and that Defendants legal tactics cannot work at this time, because of these statement of undisputed facts:

15. Plaintiff by this Opposition states that, it is undisputed fact, that; Plaintiff is the owner of a Single Family; Property used as a residential home located at 2005 Stratton Drive Potomac Maryland Zip Code 20854-6137, in the Legal Subdivision Section [3] of Potomac Woods; and the Property Tax Identification Number [is] 160400190281, with Montgomery County of Maryland Registered Deed Number (1)/ 34501/007602 and Deed of Trust recorded in Libber 31671 at Folio 791 in the Land Records with Parcel ID Number 160400190281 of Montgomery County, and with Montgomery County Account Identifier Number 00190281, and with City of Rockville Service Account Number 3311-000033.02, with Avelo Mortgage LLC's Loan Servicing Number 100495159, and that, the Property aforescribed belongs to Emmanuel Edokobi,

16. Plaintiff by this Opposition states that, it is undisputed fact, that; Plaintiff has lawfully seized the estate described above and that he has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record, and that Plaintiff warrants according to the Deed of Trust to defend generally the title to the Property against all claims and demands, subject to any encum-

branches of record, and that; Plaintiff's House has not suffered any form of Foreclosure and there is no Judgment Lien against Plaintiff's House.

17. Plaintiff by this Opposition states that, it is undisputed fact, that; Litton Loan Servicing LP is not Plaintiff's Mortgage Loan Servicer during the period of Defendant reprehensible conspiracies activities at Plaintiff's House located at 2005 Stratton Drive in Potomac, Maryland 20854 and that, Litton Loan Servicing LP does not have any Legal Authority over Plaintiff's Property that permits Litton to Issue Work Orders. *See* Plaintiff's Property Tax Bill Records, which are Marked Exhibits 5, 6, 7, 8 and Sailed along with Plaintiff's Complaint in Docket Number 1 of this civil action.

18. Plaintiff by this Opposition states that, it is undisputed fact, that; Avelo Mortgage Loan LLC, is the Plaintiff's Mortgage Loan Servicer; before; during and after the reprehensible conspiracies activities of Defendants at Plaintiff's House at 2005 Stratton Drive in Potomac, Maryland 20854, *See* Plaintiff's Property Tax Bill Records, which are Marked Exhibits 5, 6, 7, 8 and 9 including Exhibits 10, 11, 12, 13, 14, 15 and 16 filed along with Plaintiffs Complaint in Docket Number 1 of civil action.

19. Plaintiff by this Opposition states that, it is undisputed fact, that; Plaintiff has never abandoned His House at 2005 Stratton Drive in Potomac, Maryland 20854, Since; Plaintiff Purchased His Property on December 23, 2005 and that, Plaintiff has continued to own His Property at 2005 Stratton Drive in Potomac, Maryland 20854 and that Plaintiff has continued to live in His Property at 2005 Stratton Drive in Potomac, Maryland 20854 until this very moment.

20. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants without Work Order issued by Avelo Mortgage Loan LLC who is the Plaintiff's Mortgage Loan Servicer Locked Plaintiff's House on May 29, 2010.

21. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants Locked Plaintiff's House, and that, Defendants did not provide Plaintiff with Defendants' contact information, so that, Plaintiff could call Defendants to find out what was issue for locking Plaintiff's House.

22. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants without Work Order issued by Avelo Mortgage Loan LLC who is the Plaintiff's Mortgage Loan Servicer entered inside Plaintiff's House on May 29, 2010 and Removed all those Plaintiff's Personal Belongings, inside Plaintiff's House, and that, Defendants are still keeping Plaintiff's Personal Belongings.

23. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants are still holding on those Plaintiff's Personal Belongings which Defendants Removed from inside Plaintiff's House on May 29, 2010 and that, Plaintiff is requesting that, Defendants should release Plaintiff's Personal Belongings back to Plaintiff. *See* pages 10, 11, 12 and 13 of Plaintiff's Complaint.

24. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants on December 23, 2010 Winterized Plaintiff's House at 2005 Stratton Drive in Potomac, Maryland 20854 and that, Defendants did not provide Plaintiff any information regarding Defendants' Winterization Activities, and that,

Defendants did not obtain a work order from Avelo Mortgage Loan LLC who is the Plaintiff's Mortgage Loan Servicer prior to Winterizing Plaintiff's House.

25. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants conducted Secret inspection of Plaintiff's House on May 11, 2010 and that, Defendants did not obtain an authorization from Avelo Mortgage Loan LLC who is Plaintiff's Mortgage Loan Servicer prior to conducting the Secret Inspection of Plaintiff's House on May 11, 2010.

26. Plaintiff by this Opposition states that, it is undisputed fact, that; Defendants Are Not Plaintiff's Mortgage Loan Servicer and that, Plaintiff does not know Defendants and that, Plaintiff has not had any business transactions directly or indirectly with Defendants and that, Plaintiff's does not own Defendants any financial obligation that, would have given them power to Lock Plaintiff's House.

27. Plaintiff by this Opposition states that, it is undisputed fact, that; in the Entire State of Maryland; that, "It is only Plaintiff's House that, was Locked by People Who Are Not Connected" to Plaintiff's Mortgage Loan.

28. Plaintiff by this Opposition states that, it is undisputed fact, that; in the Entire State of Maryland; that, "It is only Plaintiff's Personal Belongings that; were Seized by. People Who Are Not Connected" to Plaintiff's Mortgage Loan.

29. Plaintiff by this Opposition states that it is undisputed fact, that; in the Entire Montgomery County of Maryland; that, "It is only Plaintiff's House that, was Locked by People Who Are Not Connected" to Plaintiff's Mortgage Loan.

30. Plaintiff by this Opposition states that it is undisputed fact; that; in the Entire Montgomery County of Maryland; that, "It is only Plaintiff's Personal Belongings that; were Seized by People Who Are Not Connected" to Plaintiff's Mortgage Loan.

31. Plaintiff by this Opposition urges the Honorable to Deny Defendants' Motion for Sanctions, because, Defendants have not provided any evidence which shows that, Plaintiff abandoned His House at 2005 Stratton Drive in Potomac, Maryland 20854; and for which, Defendants would need to secure the Property by Locking the Property on May 29, 2010.

32. Plaintiff by this Opposition urges the Honorable Court to Deny Defendants' Motion for Sanctions; because, Defendants' Motion for Sanctions is another method to further Punish Plaintiff and that, Plaintiff has had enough of Punishments from Defendants.

II. Argument

33. Plaintiff by this Opposition argues that, this is a civil case against Defendants who had performed those reprehensible conspiracies activities without Court Order and without Work Order issued by Avelo Mortgage LLC who is the Plaintiffs Mortgage Loan Servicer and those Defendants' activities at Plaintiffs House located at 2005 Stratton Drive in Potomac, Maryland 20854 include the following; (1) Secret Inspection of Plaintiff's House on May 11, 2010; (2) Locking of Plaintiff's House on May 29, 2010; (3) Removal of Plaintiff's Personal Belongings inside Plaintiff's House on May 29, 2010; and (4) Winterizing of Plaintiff's House on December 23, 2010. *See* paragraph 11 in pages 2 and 3 of this civil case.

34. Plaintiff by this Opposition argues that, Defendants have not yet disputed that; they did not perform any of those reprehensible conspiracies activities at Plaintiff's House, rather, Defendants have developed a scheme by which, Defendants would use Court's apparatus of sanctions to scar away Plaintiff by filing motion for sanctions and writing threatening letters to Plaintiff. *See* Defendants' Exhibits 1 and 2, in Docket Number 16, of this civil case.

35. Plaintiff by this Opposition argues that, Plaintiff had filed this civil case against Defendants on December 9, 2013 at the United States District Court for the District of Maryland Southern Division and that, this civil case against Defendants has had to undergo a thoroughgoing-macroscopic review by the United States District Court for the District of Maryland's case reviewers prior to allowing the issuance of summons to Defendants on January 30, 2014. *See* Docket Number 1 and 2 of this civil case.

36. Plaintiff by this Opposition argues that, this civil case against Defendants is unique in its composition, because, Senior Judge Senior Judge Frederick J. Motz indorsed this Civil Action against Defendants and that, Litton Loan Servicing LP's Attorneys also indorsed this Civil Action against Defendants. *See* Page 2 of Exhibit Number 18 in Docket Number 12 of this civil case.

37. Plaintiff by this Opposition argues that, Plaintiff is protected by the State Maryland Constitution and Declaration of Rights, Article 9; States in relevant part:

That every man, for any injury done to him in his person or property, ought to have remedy

by the course of the Law of the land, and Ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the land.

38. Plaintiff by this Opposition argues that, Plaintiff is a Citizen of the State of Maryland and that, Article 9 of the State Maryland Constitution and Declaration of Rights protects Plaintiff from being, sanctioned, because, State Maryland Constitution and Declaration of Rights makes it clear that, "every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the land".

39. Plaintiff by this Opposition argues that, Plaintiff is a Citizen of the State of Maryland that, Plaintiff reserves the right to file a civil action against Defendants for the injury which Defendants had inflicted upon Plaintiff by Seizing Plaintiff's Personal Belongings on May 29, 2010 and for the injury that, Defendants had done to Plaintiff's House by Locking Plaintiff's House on May 2010.

40. Plaintiff by this Opposition argues that, Plaintiff is a Citizen of United States of America and that, Plaintiff has invoked the Federal Rules of Civil Procedure, Rule 9 (a) a party's capacity to sue or be sued and that, Federal Rules of Civil Procedure, Rule 9 (a) protects Plaintiff from being sanctioned.

41. Plaintiff by this Opposition urges the Honorable Court to Deny Defendants' Motion far Sanctioned, because, Defendants want to lure the

Honorable into a civil case in which the Court serves as the Arbiter, which makes it mandatory for the Honorable Court to remain neutral and unbiased.

42. Plaintiff by this Opposition urges the Honorable Court to Deny Defendants' Motion for Sanctions, because, Defendants want to use Judicial Apparatus of Sanctions to achieve judgment, and that, it is unfair that, Defendants are applying these tactics of filing motion for sanctions in a civil case that is obvious that, Defendants did what should never have done in the first place,

43. Plaintiff by this Opposition urges the Honorable Court to Deny Defendants' Motion for Sanctions, because; Defendants have not made any attempt to produce a single documentary evidence which shows that, Defendants' activities at Plaintiff's House were approved by Avelo Mortgage Loan LLC, who is Plaintiff's Mortgage Loan Servicer; before; during and after the activities of Defendants at Plaintiff's House, neither did Defendants produce an Order issued by the Circuit Court for Montgomery County where Plaintiff's House is located and that, Defendants in performing those reprehensible conspiracies activities at Plaintiff's House have had to Usurp the position of the Court, Judge and Sheriff.

Respectfully submitted,

/s/ Emmanuel Edokobi

Pro Se

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**DEFENDANTS' M&M MORTGAGE SERVICES
INC. AND JUAN GONZALEZ, REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS
THE PLAINTIFF'S COMPLAINT
(MAY 1, 2014)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EMMANUEL EDOKOBI,

Plaintiff,

v.

M & M MORTGAGE SERVICES, INC., ET AL.,

Defendants.

Civil Action No. 8:13-cv-03707-PWG

This reply can not address on a point-by-point basis the number of inaccurate and false pronunciations of procedural history, fact, and law made in the Plaintiff's Opposition to the Defendant's Motion to Dismiss (ECF 12). It is, however, patently unfair for Defendants to continue to face harassing litigation arising out of facts which this Honorable Court has already heard and judged to be without merit. Regardless, there are two primary themes which run through Plaintiff's Opposition (ECF 12) which this reply is respectfully submitted to address: (1) that Judge Motz and the

attorneys in a pervious action “indorsed” this instant matter; (2) that Plaintiff’s claims are immune from the effects of res judicata and collateral estoppel.

Plaintiff repeatedly states that Judge Motz “indorsed” this instant action. That is simply not true. Upon a review of the Court’s docket for *Emmanuel Edokobi v. Litton Loan Servicing LP*, Case No.: JFM 11-1332 (the “Litton Action”) the Court did not rule on the Plaintiff’s motion to join the present Defendant M&M Services, Inc. to that action (*id.* ECF 65). Instead, Judge Motz granted summary judgment in favor of Litton Loan Services, LP. *Id.* ECF 83, 84. Plaintiff relies on a two sentence argument of counsel for Litton Loan Services LP in their opposition to the Plaintiff’s motion (*id.* ECF 70) to posit that his current action is “indorsed” by Judge Motz. It is this type of blatant misrepresentation of facts and procedural history which belies this matter and which should ultimately lead to its dismissal with prejudice. Regardless, it is the entry of summary judgment in that matter which bars Plaintiff’s current claims by operation of both res judicata and non-mutual collateral estoppel.¹

Significantly, Plaintiff offers no substantive arguments to rebut the conclusion that his claim is barred

¹ Undersigned counsel unartfully applied the term “Offensive Collateral Estoppel” in Defendant’s Motion to Dismiss and Memorandum submitted in support thereof. EFC No. 5 and 5-1. The proper term that should have been applied was non-mutual collateral estoppel. For all purposes, however, the different terminology, as it applies to this matter creates a distinction without a difference as the elements to establish the application of the doctrine are nearly identical as it relates to this instant matter. *See e.g. Wash. Suburban Sanitary Comm’n v. TKU Associates*, 281 Md. 1 (1977).

in its entirety because of res judicata. As outlined in the Defendant's Memorandum of Points and Authorities offered in support of their Motion to Dismiss (ECF 5-1), Plaintiff's claims are barred by res judicata as the Complaint (ECF 1) establishes that Defendants were in privity with Litton Loan Servicing LP, that the allegations in the Complaint arise out of the same transaction as alleged in the Litton Action, and that there was a final judgment in the Litton Action. See ECF 5-1 at p. 8-9. It is settled law that "A summary judgment dismissal *is* a final adjudication on the merits under Fourth Circuit cases and under the Maryland authorities." *Pottratz v. Davis*, 588 F. Supp. 949 (D. Md. 1984) (emphasis in original). Plaintiff complains that no documentary evidence was presented to show that the Litton Action "was exposed to res judicata." ECF 12 at p. 23. The record, however, demonstrates that by Plaintiff's own admissions contained in instant Complaint which establish Defendants' privity with Litton Loan Services, and the fact that summary judgment was entered in Litton Action, demonstrates that Plaintiff's claims are barred by res judicata.

As to collateral estoppel, the Fourth Circuit, this Honorable Court and the Courts of Maryland have all recognized that the doctrine of collateral estoppel precludes the relitigation of issues of fact or law which have already been decided against a party that had a full and opportunity to litigate their case. See e.g. *Virginia Hosp. Ass'n v. Baliles*, 830 F. 2d 1308, 1311-1312 (4th Cir. 1987), *Feldman's Medical Center Pharmacy, Inc. v. CareFirst, Inc.*, 959 F.Supp.2d 783, 795 (2013), *Wash. Suburban Sanitary Comm'n v. TKU Associates*, 281 Md. 1 (1977). As best as

Defendants can decipher, the Plaintiff cited to two cases to argue that his claims are not barred by the doctrine of collateral estoppel: *Allen v. McCurry*, 449 U.S. 90 (1980) and *Triplett v. Lowell*, 297 U.S. 638 (1936). These cases, however, do not assist the Plaintiff. Rather, to the contrary, they add additional support to the Defendant's position that the Plaintiff's claims are barred by collateral estoppel. *Triplett*, for example was overruled by *Blonder-Tongue Laboratories v. University of Illinois Foundation*, 402 U.S. 313 (1971) ("Thus, we conclude that *Triplett* should be overruled to the extent it forecloses a plea of estoppel by one facing a charge of infringement of a patent that has once been declared invalid.). The Court's decision in *Allen* is even more helpful to the Defendants' position in that the Court highlights that Civil Rights claims can be barred by the application of the doctrines of res judicata and collateral estoppel. 449 U.S. 90, 104 (1980) ("There is, in short, no reason to believe that Congress intended to provide a person claiming a federal right an unrestricted opportunity to relitigate an issue already decided in state court simply because the issue arose in a state proceeding in which he would rather not have been engaged at all.")

As Plaintiff is simply attempting to relitigate his failed claims, this Honorable Court should dismiss the Plaintiff's Complaint as "res judicata and collateral estoppel relieve parties of the cost and vexation of multiple lawsuits, conserve judicial resources, and, by preventing inconsistent decisions, encourage reliance on adjudication." *Id.* at p. 94 (citation omitted).

The Plaintiff has also failed to address in his Opposition the fact that the majority of his claims are barred by the applicable statute of limitations by

ignoring the controlling law on the issue. *See* MD. Code Ann., Cts. & Jud. Proc. § 5-101; *McCausland v. Mason County Board of Ed.*, 649 F.2d 278, 279 (4th Cir, WV, 2002). Likewise, Plaintiff does not address the effect of his failure to plead any racial or other class-based discrimination as it relates to his 1985 (3) claims. *See Harrison v. KVAT Food Management*, 766 F.2d 155, 158-159 (4th Cir 1985). Nor has Plaintiff addressed the fact that the actions which he contends were illegal, were in inherently legal. *See, e.g. Suss v. JP Morgan Chase Bank, NA*, WMN-09-1627, 2010 U.S. Dist. LEXIS 68777, at *13-*16 (D. Md. July 9, 2010); *Larota-Florez v. Goldman Sachs Mortg.*, 719 F. Supp. 2d 636, 641 (E.D. Va. 2010).

For all of the foregoing reasons this Honorable Court should dismiss the Plaintiff's Complaint with prejudice.

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Respectfully submitted,

/s/

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