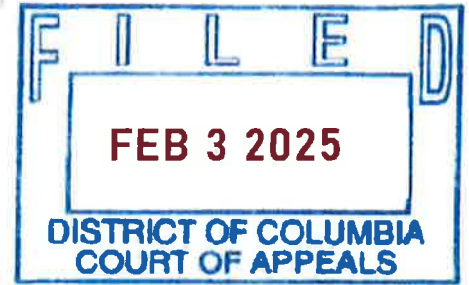


APPENDIX A

District of Columbia
Court of Appeals



No. 25-OA-0004

IN RE DEON D. COLVIN

2019-CA-008113-B

BEFORE: Beckwith and Shanker, Associate Judges, and Steadman, Senior Judge.

ORDER

On consideration of petitioner's application for a waiver of fees and costs, his lodged petition for a writ of mandamus wherein he requests that the court direct Judge Tunnage to recuse himself from case 2019-CA-008113-B, and his lodged motion for a stay pending disposition of his petition for a writ of mandamus, it is

ORDERED that petitioner's application for a waiver of fees and costs is granted, the Clerk shall file the lodged petition for a writ of mandamus nunc pro tunc to January 24, 2025, and the Clerk shall file the lodged motion. It is

FURTHER ORDERED that the petition for a writ of mandamus is denied. *See In re M.O.R.*, 851 A.2d 503, 509 (D.C. 2004) (explaining that a writ of mandamus "should only be issued in exceptional circumstances" and that a petitioner must show a "clear and indisputable" right to the relief sought) (internal quotation marks omitted); *see also Plummer v. United States*, 870 A.2d 539, 547 (D.C. 2005) ("Generally. . . legal rulings against appellants, of course, do not constitute grounds for recusal, for any prejudice must stem from an extrajudicial source. . . . Although a showing that a judge's alleged prejudice comes from an extrajudicial source may not be required when the circumstances are so extreme that a judge's bias appears to have become overpowering, [appellant] has not satisfied this most exacting standard.") (citation, alterations, and internal quotation marks omitted). It is

FURTHER ORDERED that the motion for a stay pending disposition of the petition for a writ of mandamus is denied as moot.

PER CURIAM

No. 25-OA-0004

Copy e-served to:

Honorable Donald Tunnage

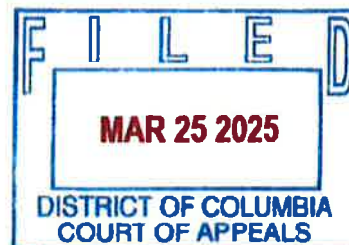
Copy mailed to:

**Deon D. Colvin
743 Fairmont Street, NW
Apartment 211
Washington, DC 20001**

cml

APPENDIX B

**District of Columbia
Court of Appeals**



No. 25-OA-0004

IN RE DEON D. COLVIN,

Petitioner.

2019-CA-008113-B

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

ORDER

On consideration of petitioner's petition for rehearing en banc, petitioner's motion for a ruling on petitioner's rehearing en banc, petitioner's amended motion for a ruling on petitioner's petition for rehearing en banc, petitioner's motion for an expedited ruling on petitioner's petition for rehearing en banc, and it appearing that no judge of this court has called for a vote on the petition for rehearing en banc, it is

ORDERED that petitioner's petition for rehearing en banc is denied. It is

FURTHER ORDERED that petitioner's amended motion for a ruling on petitioner's rehearing en banc is denied as moot. It is

FURTHER ORDERED that petitioner's motion for an expedited ruling on petitioner's petition for rehearing en banc is denied as moot.

PER CURIAM

Copies emailed to:

Honorable Donald Tunnage

Director, Civil Division

No. 25-OA-0004

Copies mailed to:

Deon D. Colvin
743 Fairmont Street, NW
Apartment 211
Washington, DC 20001

pii

APPENDIX C

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

----- x
DEON D. COLVIN, : Docket Number: 2019 CAB 008113
 :
 Plaintiff, :
 :
 :
 vs. :
 :
 :
 :
 743 FAIRMONT STREET, NW, :
 LLC, :
 :
 :
 Defendant. : Wednesday, January 15, 2025
----- x Washington, D.C.

The above-entitled action came on for a Motions hearing before the HONORABLE DONALD W. TUNNAGE, Associate Judge, in Courtroom Number 516.

APPEARANCES:

On Behalf of the Plaintiff:

DEON D. COLVIN, Pro Se

On Behalf of the Defendant:

WILLIAM CANNON, III, Esquire
Washington, D.C.

25-00263

1 the presiding judge of this case, as well as a praecipe
2 also requesting immediate disqualification of the
3 presiding judge in this case.

4 After having reviewed all three filings, the
5 Court finds that --

6 MR. COLVIN: Can I say something, can I say
7 something, Your Honor --

8 THE COURT: You may not.

9 MR. COLVIN: -- before you do this?

10 THE COURT: No, you may not.

11 MR. COLVIN: Your Honor, Your Honor, Your Honor,
12 you're in violation of Rule 12.1.

13 THE COURT: Mr. Colvin, Mr. Colvin, Mr. Colvin,
14 you've asked a question. If you do not allow me to
15 finish, I will hold you in contempt of court.

16 Upon review of the third and fourth motion to
17 disqualify the presiding judge, and the praecipe
18 requesting immediate disqualification of the presiding
19 judge, the Court finds that plaintiff has not presented a
20 factual basis, nor has plaintiff provided legal authority
21 entitling plaintiff to the relief requested. Accordingly,
22 the motions are denied and the relief requested in the
23 praecipe is denied.

24 All right. So now, pending before me now --

25 MR. COLVIN: I would argue -- I would like to

APPENDIX D



**Code
of
Judicial
Conduct**

2018 Edition

District of Columbia Courts

Comment

[1] Appointees of a judge include assigned counsel, officials such as referees, commissioners, special masters, receivers, and guardians, and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by paragraph (A).

[2] Unless otherwise defined by law, nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner, or the spouse or domestic partner of such relative.

[3] [Not Adopted]

Rule 2.14: Disability and Impairment

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

Comment

[1] "Appropriate action" means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include but is not limited to speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.

[2] Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge's responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has come to the judge's attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority, agency, or body. See Rule [2.15](#).

Rule 2.15: Responding to Judicial and Lawyer Misconduct

(A) A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.*

(B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.

(D) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.

Comment

[1] Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

[2] A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body.

[3] A judge should take appropriate action if the judge learns of reliable evidence that another judge or a judicial employee engaged in misconduct, including sexual harassment and other manifestations of bias or prejudice. Appropriate action depends on the circumstances, but the overarching goals of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. A judge, in deciding what action is appropriate, may take into account any request for confidentiality made by a person complaining of or reporting misconduct.

APPENDIX E



**DISTRICT OF COLUMBIA
COURT OF APPEALS**

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IN RE: DEON D. COLVIN)
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_____)

DCCA #: 25-OA-0004

**PETITIONER’S OPPOSED MOTION FOR STAY OF PROCEEDINGS & JUDGE
TUNNAGE’S JANUARY 15TH RULINGS¹² PENDING DISPOSITION OF PETITIONER’S
PETITION FOR WRIT OF MANDAMUS**

Petitioner Deon D. Colvin (“Petitioner” or “I”), in *propria persona*, pursuant to Rule 8 moves the Court for a stay of Judge Tunnage’s January 15th rulings, directives, and scheduling of pre-trial conference for April 9th, 2025 (hereinafter

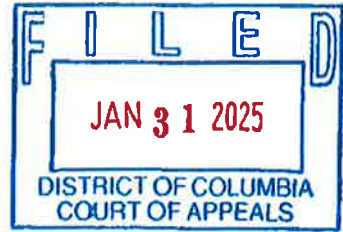
¹ Petitioner is *pro se*. *Pro se* filings are construed liberally by the court, along with the application of the rules of civil procedure. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)(“A document filed *pro se* is “to be liberally construed”). *Farmer-Celey v. State Farm Insurance Co.*, 163 A.3d 761 766 (D.C. 2017) (“The liberal application of rules of procedure and construction of pleadings is particularly apt in litigation pursued by a party without legal representation”).

² Petitioner contacted Respondents Honorable Donald W. Tunnage at JudgeTunnageChambers@dcsc.gov, and 743 Fairmont Street NW LLC via counsel William P. Cannon III at bcannon@offitkurman.com , regarding the relief requested in this motion on January 24th, 2025. On January 25th, 2025 Respondent Counsel William P. Cannon III replied, indicating that Respondent opposes this motion.

APPENDIX F



District of Columbia Court of Appeals
CIVIL DIVISION



In Re: Deon D. Colvin

DCCA No: 25-OA-0004

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PETITIONER'S NOTICE OF INCORRECT CASE STATUS

Deon D. Colvin ("Petitioner" or "I"), *in propria persona*, pursuant to D.C. COURT OF APPEALS ^{RULE} 32 respectfully submits this Petitioner's Notice of Incorrect Case Status. Accordingly, Plaintiff wishes to notice the court of the following:

1. On January 27th, 2025, I filed Petitioner's Opposed Motion for Stay of Proceedings & Judge Tunnage's January 15th Rulings Pending Disposition of Petitioner's Petition for Writ of Mandamus. See Exhibit 1.
2. The opposed motion indicated on page 1 that Respondent's Counsel Mr. Cannon will file an opposition. *Id.*
3. Upon filing, my case was updated in the "Next Scheduled Action" field to "**Opposition**" to indicate the next scheduled activity.

4. Currently, the "Next Scheduled Action" field is empty, and the Case Status field has the entry, "Pending" which is the next stage after "Opposition."
5. The case should still have "Opposition" to indicate the next scheduled activity in this matter.
6. Thus, the case status of this matter needs to be corrected, and "Pending" removed.
7. Petitioner thanks the Court for its attention to this notice.

Date: January 31th, 2025

Respectfully Submitted,

DEON D. COLVIN



Plaintiff (*Pro Se*)

743 Fairmont Street, N.W. #211

Washington, D.C. 20001

T: 216-396-8512

E-mail: DeonColvin@aol.com

CERTIFICATE OF SERVICE

District of Columbia Court of Appeals

DCCA # 25-OA-0004

-----)
IN RE: DEON D. COLVIN

Petitioner

-----)
I, Petitioner Deon D. Colvin, certify that on the **31st day of January, 2025**, that I served the Respondents a copy of the above **Petitioner's Notice of Incorrect Case Status & Certificate of Service (6 page document)** upon:

Donald W. Tunnage, Assoc. Judge
Superior Court of the District of Columbia
Moultrie Building, Suite 2420
500 Indiana Avenue NW
Washington, DC 20001
(202) 879-1881
JudgeTunnageChambers@dcsc.gov

William P. Cannon, III
7501 Wisconsin Avenue, Suite 1000W
Bethesda, MD 20814
(240) 507-1771
bcannon@offitkurman.com
Counsel for 743 Fairmont Street NW LLC

via **USPS, First Class Mail**, by causing a copy to be enclosed in a properly addressed wrapper and disposed in an official depository of the U.S. Postal Service.

APPENDIX G

25-OA-0004



In the
District of Columbia Court of Appeals



IN RE: DEON D. COLVIN

Petitioner,

Submitted from the Superior Court of D.C.
Civil Division for
Case No. 2019 CA 008113 B

PETITION FOR REHEARING EN BANC

Deon D. Colvin-Petitioner (Pro Se)
743 Fairmont Street, NW
Washington, D.C. 20001
(216) 396-8512

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POINTS OF LAW OR FACT OVERLOOKED OR MISAPPREHENDED BY THE COURT'S DIVISION.....	3
CERTIFICATE OF SERVICE	

APPENDIX LIST

D.C. COURT OF APPEALS ORDER (FEBRUARY 3 RD , 2025)	APP. 1
D.C. COURT OF APPEALS RULE 21	APP. 2
COURT DOCKET FOR 25-OA-0004.....	APP. 3
COURT DOCKET FOR 24-OA-0016.....	APP. 4

STATEMENT OF PETITION

The Division's Order for *In Re: Deon D. Colvin* conflicts with controlling authorities *Liteky v. United States*, 510 U.S. 540 (1994); *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988); *Banov v. Kennedy*, 694 A. 2d 850 (D.C. 1997); *In re M.O.R.*, 851 A 2d. 503, 509 (D.C. 2004); *Plummer v. United States*, 870 A. 2d 539, 547 (D.C. 2005); *In re M.C. Appellant*, 8 A. 3d 1215, 1222 (D.C.

2010); *Anderson v. U.S.*, 754 A. 2d 920, 923 (D.C. 2000); and *Scott v. United States*, 559 A. 2d 745, 749 (D.C. 1989).

Consideration by the full court is therefore necessary to secure and maintain uniformity of the Court's decisions, and the integrity of Court proceedings for this matter. There is also a question of exceptional importance. Thus, pursuant to D.C. Ct. App. Rule 35, Petitioner requests a rehearing en banc.

QUESTION OF EXCEPTIONAL IMPORTANCE

Should a Judicial Officer in a proceeding that received information indicating a substantial likelihood that the immediate prior judge committed serious Code violations in said proceeding (*i.e.* failure to uphold and apply the law), and received information indicating a substantial likelihood that one of the lawyers in said proceeding committed a serious violation of the Code of Professional Conduct (*i.e.*, disobedience of a court order), and did not take the appropriate action to prevent harm to the affected party and to prevent recurrence *as required* by Rule 2.15 (C) and (D) of Code of Judicial Conduct, District of Columbia Courts (2018)—and has been dishonest himself in the proceedings, thus committing additional Code violations of Rule 1.1 and 1.2—continue to be the Judicial Officer in that proceeding?

POINTS OF LAW OR FACT OVERLOOKED OR MISSAPPREHENDED BY THE COURT'S DIVISION

The Division overlooked or misapprehended the following points of law or fact in rendering its decision.

First, the Division overlooks, and thus contradicts, the Court's longstanding policy that a writ of mandamus "should...be issued in exceptional circumstances" and that a petitioner must show a "clear and indisputable right" to the relief sought." In re M.O.R., 851 A. 2d 503, 509 (D.C. 2004); *Plummer v. United States*, 870 A. 2d 539, 547 (D.C. 2005). Petitioner showed a "clear and indisputable right" to a writ of mandamus by presenting claims that satisfy the "objective observer," "favoritism or antagonism," and "overpowering" standards, **and was very particular about illustrating the "overpowering" standard articulated in *Plummer v. United States*, 870 A. 2d 539, 547 (D.C. 2005), by putting the term in bold in each of his claims.** See Petition at 13, 6-7 (Claims #15-20), and incorporated Appendix 1 & 2.

Petitioner presented the "exceptional circumstance" of the Respondent's refusal to take appropriate action to prevent harm upon learning of the substantial likelihood that Defendant's Counsel, Mr. Cannon, violated Rule 8.4 of the Code of Professional Conduct for lawyers by disobeying a court order for a third party Mr. Cannon was representing to comply with subpoenas served by Petitioner, and that the immediate prior Judicial Officer violated the Rules 1.1 and 1.2 of Code of Judicial Conduct by not sanctioning Mr. Cannon, the disobedient lawyer, pursuant

to Super. Ct. Rule 37 (b)(2)(C). The Petitioner was clear (1) how Respondent's inaction showed the appearance of bias toward Mr. Cannon and had the appearance of impropriety, (2) how Respondent could have acted to prevent the harm Petitioner experienced from the misconduct, and (3) how Respondent's failure to act to prevent said harm made him complicit in said harm, a truly "exceptional circumstance" that would make Respondent unfit to serve as Judicial Officer. See Petition at 10-11, 7 (Claim #20), and incorporated Appendix 2 at 9-13. Thus, because of the Court's clear error, the Court should rehear this matter en banc.

Second, the Division cites *Plummer* that "Generally, ... legal rulings against appellants, of course, do not constitute grounds for recusal, for any prejudice must stem from an extrajudicial source," but overlooks the fact that four (4) of my six (6) claims of bias—a clear supermajority—are *not based on legal rulings*. To wit, Claim #15 is based on Respondent's dishonest verbal assertion that he can rule on opposed motions without opposition, *which is not a ruling*; Claim # 17 is based on Respondent not executing statements he made concerning Petitioner's discovery requests, *which is not a ruling*; Claim #19 is based on Respondent's failure to rule timely on Petitioner's discovery related motions, *which is not a ruling*; and Claim #20 is based on Respondent's failure to take appropriate action upon being presented with information that indicated a likelihood of lawyer misconduct by Defendant's counsel, William P. Cannon III, and Code violations by the immediate

prior Judicial Officer, Judge Todd E. Edelman, *which is not a ruling*. See Petition at 6-7 (Claims #15, 17, 19, 20) and incorporated Appendices 1 & 2. Thus, the Court's citation of *Plummer* does not apply.

For the claims that *do* involve rulings—claims #16 and 18—the Court's order contradicts the Supreme Court's ruling that a judge's rulings can be a part of a disqualification motion, and intra-judicial claims of appearance of bias must display “a favoritism or antagonism that makes clear judgment impossible,” which my claims show in abundance. See *Liteky v. United States*, 510 U.S. 540, 551, 555-556; Petition at 6-7 (Claims #16, 18) and incorporated Appendices 1 & 2.

Third, the Court's decision overlooks, and therefore contradicts, that I met Rule 2.11 (A) of the Code of Judicial Conduct, District of Columbia Courts (2018) requirements for each of my six claims of appearance of bias, *i.e.*, the “objective observer” standard, see In re M.C. Appellant, 8 A. 3d 1215, 1222 (D.C. 2010); Anderson v. U.S., 754 A. 2d 920, 923 (D.C. 2000), and thus my Petition should be reheard and the ruling reverse for this reason. See Petition at 6-7 (Claims #16-20), and incorporated Appendices 1 & 2.

Fourth, there the Court should rehear this matter for procedural reasons. *First*, the Court did not list 743 Fairmont Street NW LLC as a Respondent in this matter, which is a violation of Rule 21, which states, “The District of Columbia officer and all parties to the proceeding in the Superior Court other than

the petitioner are respondents for all purposes.” See Exhibit 3. 743 Fairmont Street NW LLC, as a party to the proceeding in the Superior Court case #2019-CA-008113 B (*i.e.*, they are the Defendant in that matter), should have been listed as a Respondent, and their counsel, Mr. Cannon should have been listed on the Court’s docket as well, but this did not occur as it did in the related case 24-OA-0016. See Exhibit 4. Thus, Respondent did not receive any notifications about the proceedings from the Court, including the Court’s order, and this is clear because the Court does not list this Respondent on its February 3rd Order. See Exhibit 1. Thus, because of this procedural violation, which violated Petitioner’s Fifth Amendment Right to procedural due process, as it is illegal for a Court not to involve *all* parties in the proceeding that should be included—or, to put it another way, to exempt some parties from participating who are legally required to be a part of the proceeding—*and because doing the latter could have even been the intention of the Division (as the Division should have been well aware of who the Respondents are in this matter)*—this Court should rehear this matter en banc, to ensure the integrity of the proceedings for this matter.

Finally, this Court’s current Order, which allows a Judicial Officer to remain on a case in which there are clear and substantive claims of the appearance of racial bias (Claims #15-20), has the appearance that this court itself, and the members of the Division who authored the Order may be racially biased, which

would explain the all of the above clear errors of judgment. An honorable court would not want such a claim to be true or even maintainable.

Thus, a rehearing en banc is appropriate.

February 4th, 2025

Respectfully Submitted,

DEON D. COLVIN



Petitioner (*Pro Se*)

743 Fairmont Street, N.W. #211

Washington, D.C. 20001

T: 216-396-8512

E-mail: DeonColvin@aol.com

CERTIFICATE OF SERVICE

District of Columbia Court of Appeals

DCCA #: 25-OA-0004

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In Re DEON D. COLVIN

Petitioner,

-----)