

APPENDIX A

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 25-1763

In re: LEONARD W. HOUSTON,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of North Carolina, at Wilmington. (7:23-cv-01202-BO-RJ)

Submitted: August 6, 2025

Decided: August 15, 2025

Before WILKINSON, WYNN, and RICHARDSON, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Leonard W. Houston, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leonard W. Houston petitions for a writ of mandamus directing the district court to: (1) lift the stay on his individual action filed under the Camp Lejeune Justice Act of 2022 (“CLJA”), Pub. L. No. 117-168, § 804, 136 Stat. 1802, 1802-04 (2022), and (2) timely resolve that action after the United States files a responsive pleading.¹ Houston’s CLJA action was stayed because of the district court’s September 26, 2023, case management order entered on its “Master Docket” for CLJA claims. The case management order stays “all CLJA actions on individual dockets . . . pending selection of [p]laintiffs for discovery and trial and further orders of th[e] [district] [c]ourt.” *In re Camp Lejeune Water Litig.*, No. 7:23-cv-00897-RJ (E.D.N.C., PACER No. 23 at 4). We conclude that Houston is not entitled to mandamus relief and so deny his petition.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has “a clear and indisputable right to the requested relief.” *Murphy-Brown*, 907 F.3d at 795 (internal quotation marks omitted).

Although the delay in resolving Houston’s individual action is understandably frustrating to him—especially given his age and the health conditions described in his

¹ Houston’s mandamus petition also seems to challenge the magistrate judge’s June 3, 2025, text order denying his motion for entry of default. But Houston may appeal the magistrate judge’s order once a final judgment is entered in his case and thus mandamus cannot be used to challenge that order. See *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007); *In re United Steelworkers of Am.*, 595 F.2d 958, 960 (4th Cir. 1979).

petition—we are satisfied that Houston has not shown that he has a clear and indisputable right to the relief sought.² *See id.* Houston identifies no authority establishing that the stay aspect of the September 26, 2023, case management order is contrary to law. And the Federal Rules of Civil Procedure anticipate such case management orders in complex civil litigation with many plaintiffs alleging similar claims. *See* Fed. R. Civ. P. 16(c)(2)(L); Fed. R. Civ. P. 42(a)(3). Put succinctly, the district court has ample discretion to decide how “to achieve the orderly and expeditious disposition” of its many CLJA cases, and the stay aspect of the case management order is an appropriate method of doing so. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (internal quotation marks omitted); *see Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936) (recognizing that court has inherent power to stay proceedings).

Accordingly, we deny the petition for a writ of mandamus. 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.

PETITION DENIED

² While the stay aspect of the September 26, 2023, case management order has caused delay in resolving Houston’s individual action, the district court has decided in a timely manner the motions that Houston has filed in his individual action despite the stay.

FILED: August 15, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1763
(7:23-cv-01202-BO-RJ)

In re: LEONARD W. HOUSTON

Petitioner

JUDGMENT

In accordance with the decision of this court, the petition for writ of mandamus is denied.

/s/ NWAMAKA ANOWI, CLERK

APPENDIX B

FILED: October 27, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1763
(7:23-cv-01202-BO-RJ)

In re: LEONARD W. HOUSTON

Petitioner

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Wynn, and Judge Richardson.

For the Court

/s/ Nwamaka Anowi, Clerk

No. 25-1763

In The
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

LEONARD W. HOUSTON,
Petitioner

On Petition for a Writ of Mandamus To the United States District Court
For the Eastern District Of North Carolina (Southern Division) at
Wilmington, The Honorable Terence W. Boyle, District Judge
(7:23-cv-01202-B0-RN)

PETITION FOR PANEL REHEARING OR REHEARING EN BANC

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Appendix A: House of Representatives – **H.R. 8545-A BILL**

To amend the Camp Lejeune Justice Act of 2022 to make technical corrections.
 118th Congress, 2d Session – “Camp Lejeune Justice Act of 2024”
 May 23, 2024

Appendix B: United States Senate- **AMENDMENT**

Title 38, United States Code

“Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022” or “Honoring our PACT Act of 2022: June 16, 2022
 including excerpts from 136 Stat. 1766-67, Public Law 117-186 – AUG. 19, 2022

INTRODUCTION

The Petitioner, Leonard W. Houston, *pro-se* pursued a statutory cause of action against the United States of America, under the provision of Camp Lejeune Justice Act of 2020 (“CLJA”), Pub.L. 117-168 § 804, 136 Stat. 1802-04 (2022), in which provided for “appropriate relief” for injury/disorder, as said petitioner being a long suffering victim since the initial filing of his statutory “Claim”: of the Camp Lejeune’s toxic water as a result of exposure to the contamination by government officials from 03/1959 to 03/1963, and as such has a right for expedition of said claim, which the statute expressly recognizes that right.

Further, said Petitioner, *pro-se* filed a petition for a writ of mandamus directing the District Court to: (1) lift the stay on his individual action filed under the Camp Lejeune Justice Act of 2022 (“CLJA”), Pub. L. No.68, § 804, 136 Stat. 1802, 1802-04 (2022), and (2) timely resolve that action after the United States files their response pleading.

The Petitioner, Leonard W. Houston, *pro-se*, CLJA action was stayed because of the District Court’ September 26, 2023, Case Management ORDER enter on its “Master Docket” for CLJA claims. As the Case Management ORDER stays “all CLJA actions on individual dockets. . . pending selection of [p]laintiffs for discovery and trial and further orders of the[e] [district] [c]ourt.” *In re Camp Lejeune Water Litig.* No. 7:23-cv-00897-RJ (E.D.N.C., PACER No. 23 at 4.)

ARGUMENT –

En Banc Review is Necessary to Resolve Whether the Camp Lejeune Justice Act of 2022, by clarifying the right to grant a Stay in filed Claims, which the Defendant need not file “Responsive Plaeadings” pursuant to filed Case Management Order No. 2 on the individual dockets.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has “a clear and indisputable right to the requested relief.” *Murphy-Brown*, 907 F.3d at 795 (internal quotation marks omitted).

Clearly, the delay in resolving the Petitioner’s (i.e., Houston) individual action, has caused frustration, given the fact, his senior age of 84 years old, and the present health conditions therein asserted in his filed aforesaid statutory Claim.

The Court should grant the Petitioner’s entitled petition for a Writ of Mandamus, Because the United States District for the Eastern District of North Carolina, erred and abused its discretion pursuant to filed and entered its Case Management ORDER No. 2 (CMO 2), dated 09/26/23. That responsive pleading is stayed individual CLJA actions, or in other words, **“all CLJA actions on individual dockets are stayed.”**

Thus, denying the Plaintiff (i.e., Petitioner, *pro-se* herein) immediate relief and compensation of the Camp Lejeune’s tainted water supply, and the subsequent harm which has cause him to suffer aforesaid illnesses *“sufficient to conclude exposure that a causal relationship is at least as likely as not”* as inscribed in his filed statutory complaint so as to receive justice in a timely manner. That as such, includes and not less than in a transparent, efficient and timely processing of said filed claims, absent thereof, results in government negligence.

Further, under the foregoing facts, it has inflicted the gross kind of injustice upon the said petitioner, which responsive pleading by the Defendant, United States of America in stayed individual CLJA actions.

Thus, the Court's filed decision in the Plaintiff's case (*i.e.*, Petitioner herein) deprived him of his statutory rights under the CLJA, as amended. And being herein stated, this is a statutory power of all courts to stay, by order any proceedings submitted before the court, either permanently or until a specified day, herein in this case, "*abuse of process.*" And the common law to a fair trial (see FRCP 38(b), also the U.S.C. § 2671, as amended. ^{1/}

Therefore, on the record in this *pro-se* case, it can be said that the District Court for the Eastern District of North Carolina in this entitled action, as aforesaid above, and under the circumstances herein as stated, amount to an abuse of discretion, which belies any suggestion that the delay was the fault of the plaintiff (*i.e.*, Petitioner herein) for responsive pleading to be stayed in individual(s) CLJA actions.

The Camp Lejeune Justic Act of 2022 was clearly established to rectify the injustices veterans such as the Plaintiff (*i.e.*, Petitioner herein) streamlines access to rightful claims and ensures timely resolutions for all affected parties.

^{1/} Kaustuv Basu, *Veterans on borrow Time Over Delays on Toxic Water Claims*, Bloomberg Law May 8, 2023, <https://news.bloomberglaw.com/health-law-and-business/veterans-On-borrowe-time-fume-over-delays-on-toxic-water-claims>.

I. THE "STAY" IN PART D, AS ENSCRIBED UNDER THE CASE MANAGEMENT ORDER NO. 2, DATED AND FILED ON 09/26/23, WAS ABUSE OF DISCRETION ON ALL CLJA ACTIONS ON INDIVIDUAL DOCKETS AS COUNSEL FOR DEFENDANT NEED NOT FILE RESPONSIVE PLEADINGS IN STAYED INDIVIDUALS CLJA ACTIONS.

The Defendant, United States of America, impropriety contributed to the delay, which under the Case Management Order No. 2 (CMO 2), was abuse of discretion on all CLJA actions on individual's dockets, such as to said Plaintiff (i.e., Petitioner herein).

Thus, denying any of the Defendant's arguments, of failure to state a claim for which relief can be granted. Fed. R. Civ. 12.

Hereby warrants, the Court to enter a default against the Defendant, the United States of America, because it did not file a responsive pleading or otherwise defend the CJLA suit that was filed by said plaintiff. Fed. R. Civ. 55(a).

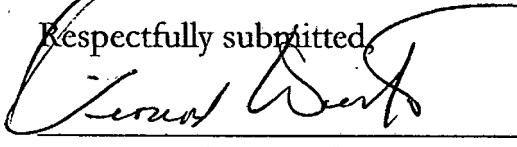
And in the absence of the Court's finding whether the Plaintiff's CLJA claim is plausible, to warrants the court's jurisdiction to grant the relief, as stated in said filed entitled claim.

Further, upon information and belief, the Plaintiff argues that the pace of adjudication (i.e., CLJA) of said "Claim" is not discretionary government function over which this Court has no jurisdiction. And therefore, does not preclude this Court's review of a mandamus action to compel adjudication of a filed CLJA claim, such as that of the plaintiff herein.

CONCLUSION

For the foregoing reasons, this Court should issue a writ of mandamus directing the District Court for the Eastern District of North Carolina to *amend* its Case Management Order No. 2 (CMO 2), dated and filed on 09/26/23 with respect that the Counsel for Defendant need not file responsive pleadings in stayed individual CLJA actions, under **part D. Stay**" be *deleted*, and replaced with an Order expanded the conduct of the implementation of the *Camp Lejeune Justice Act* as a part of the *Honoring our Promise to Address Comprehensive Toxics (PACT) Act* that was signed into law on August 10, 2022, (Pub. L. No. 117-168, § 804, 136 Stat. 1759, 1803 (2022)). And ensure those impacted by contaminated water provide efficient and timely processing (adjudicate or settle) of their Claim in a transparent manner, without undue delay, or in the alternative, complete "relief" demanded in said filed statutory **SHORT-FORM COMPLAINT**, being now required,

Dated: August 25, 2025

Respectfully submitted,


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APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-cv-1202-BO-RJ

LEONARD W. HOUSTON,)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
Defendant.)

ORDER

On July 15, 2025, plaintiff, who proceeds in this action *pro se*, caused to be filed in this case a copy of a petition for writ of mandamus filed in the United States Court of Appeals for the Fourth Circuit. [DE 29]. Plaintiff has further caused to be filed a notice to amend his *pro se* application of notice of appeal. [DE 28]. As the petition for writ of mandamus seeks relief from the court of appeals and not this Court, the Clerk is DIRECTED to terminate the petition as pending. No further action will be taken on [DE 29]. The court of appeals has denied plaintiff's petition for writ of mandamus, and the notice to amend [DE 28] is DENIED without prejudice as moot. *See In re: Leonard W. Houston*, No. 25-1763 (4th Cir. Aug. 15, 2025).

SO ORDERED, this 29 day of October 2025.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

APPENDIX D

118TH CONGRESS
2D SESSION

H. R. 8545

To amend the Camp Lejeune Justice Act of 2022 to make technical corrections.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2024

Mr. MURPHY (for himself, Ms. ROSS, Ms. MANNING, Mr. DAVIS of North Carolina, Mr. JACKSON of North Carolina, Mr. ROUZER, Mr. HUDSON, Ms. LEE of Florida, Mr. McHENRY, Mr. EDWARDS, and Mr. HUNT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Camp Lejeune Justice Act of 2022 to make technical corrections.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Camp Lejeune Justice
5 Act of 2024”.

6 **SEC. 2. TECHNICAL CORRECTIONS TO THE CAMP LEJEUNE
7 JUSTICE ACT OF 2022 .**

8 Section 804 of the Camp Lejeune Justice Act of 2022
9 (28 U.S.C. 2671 note) is amended—

1 (1) in subsection (b), by striking "in the United
2 States District Court for the Eastern District of
3 North Carolina";

4 (2) in subsection (c)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) IN GENERAL.—The party filing an action
8 under this section shall be entitled to appropriate re-
9 lief upon showing—

10 “(A) the existence of one or more relation-
11 ships between the water at Camp Lejeune and
12 the type of harm suffered by the individual; and

16 (B) in paragraph (2), by striking "the
17 water at Camp Lejeune and the harm" and in-
18 serting "any water at Camp Lejeune and the
19 type of harm";

20 (3) by amending subsection (d) to read as fol-
21 lows:

22 “(d) EXCLUSIVE JURISDICTION AND VENUE.—The
23 United States District Court for the Eastern District of
24 North Carolina shall have exclusive jurisdiction and venue
25 for coordinated or consolidated pretrial proceedings and

1 resolution over any action filed under subsection (b), and
2 a party filing the action may transfer such action to any
3 United States district court situated within the United
4 States Court of Appeals for the Fourth Circuit for trial
5 of such action. Any action against the United States under
6 subsection (b) shall, at the request of either party to such
7 action, be tried by the court with a jury. The court shall
8 advance an action filed under subsection (b) on the docket,
9 and expedite the disposition of such action to the greatest
10 extent possible.”;

11 (4) in subsection (e)(1), by striking “latent dis-
12 ease” and inserting “latent harm”;

13 (5) in subsection (j)(1), by striking “before the
14 date of enactment of this Act” and inserting “be-
15 fore, on, or after the date of enactment of this Act”;
16 and

17 (6) by adding at the end the following:

18 “(k) ATTORNEY FEES.—

19 “(1) IN GENERAL.—The total amount of attor-
20 neys fees under this section shall be in an amount
21 that is equal to—

22 “(A) 20 percent of any settlement entered
23 into before a civil action under subsection (b) is
24 commenced; or

1 “(B) 25 percent of any judgement ren-
2 dered or settlement entered into after a civil ac-
3 tion under subsection (b) is commenced.

4 “(2) DIVISION OF FEES.—A division of a fee
5 under paragraph (1) between attorneys who are not
6 in the same firm may be made only if the division
7 is in proportion to the services performed by each
8 attorney.”.

APPENDIX E

In the Senate of the United States,

June 16, 2022.

Resolved, That the bill from the House of Representatives (H.R. 3967) entitled “An Act to improve health care and benefits for veterans exposed to toxic substances, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

- 1 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
- 2 **UNITED STATES CODE; TABLE OF CONTENTS.**
- 3 (a) *SHORT TITLE.—This Act may be cited as the “Ser-*
- 4 *geant First Class Heath Robinson Honoring our Promise*
- 5 *to Address Comprehensive Toxics Act of 2022” or the “Hon-*
- 6 *oring our PACT Act of 2022”.*
- 7 (b) *MATTERS RELATING TO AMENDMENTS TO TITLE*
- 8 *38, UNITED STATES CODE.—*
- 9 (1) *REFERENCES.—Except as otherwise expressly*
- 10 *provided, when in this Act an amendment or repeal*

1 is expressed in terms of an amendment to, or repeal
2 of, a section or other provision, the reference shall be
3 considered to be made to a section or other provision
4 of title 38, *United States Code*.

5 (2) **AMENDMENTS TO TABLES OF CONTENTS.**—

6 Except as otherwise expressly provided, when an
7 amendment made by this Act to title 38, *United*
8 *States Code*, adds a section or larger organizational
9 unit to that title or amends the designation or head-
10 ing of a section or larger organizational unit in that
11 title, that amendment also shall have the effect of
12 amending any table of sections in that title to alter
13 the table to conform to the changes made by the
14 amendment.

15 (c) **TABLE OF CONTENTS.**—The table of contents for
16 this Act is as follows:

Sec. 1. *Short title; references to title 38, United States Code; table of contents.*

TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY

Subtitle A—Toxic-exposed Veterans

Sec. 101. *Short title.*

Sec. 102. *Definitions relating to toxic-exposed veterans.*

Sec. 103. *Expansion of health care for specific categories of toxic-exposed veterans and veterans supporting certain overseas contingency operations.*

Sec. 104. *Assessments of implementation and operation.*

Subtitle B—Certain Veterans of Combat Service and Other Matters

Sec. 111. *Expansion of period of eligibility for health care for certain veterans of combat service.*

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

Sec. 201. *Short title.*

Sec. 202. *Improvements to ability of Department of Veterans Affairs to establish presumptions of service connection based on toxic exposure.*

“(B) With respect to a veteran described in paragraph (1)(D) who was discharged or released from the active military, naval, air, or space service after September 11, 2001, and before October 1, 2013, but did not enroll to receive such hospital care, medical services, or nursing home care under such paragraph pursuant to subparagraph (A) before October 1, 2022, the one-year period beginning on October 1, 2022.”; and

(3) by striking subparagraph (C).

(b) CLARIFICATION OF COVERAGE.—Section 1710(e)(1)(D) is amended by inserting after “Persian Gulf War” the following: “(including any veteran who, in connection with service during such period, received the Armed Forces Expeditionary Medal, Service Specific Expeditionary Medal, Combat Era Specific Expeditionary Medal, Campaign Specific Medal, or any other combat theater award established by a Federal statute or an Executive order)”.

(c) OUTREACH PLAN.—Not later than December 1, 2022, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a plan to conduct outreach to veterans described in subparagraph (B) of section 1710(e)(3) of title 38, United States Code, as amended by subsection (a)(2), to notify such veterans of their eligibility for hospital care, medical services, or nursing home care pursuant to such subparagraph.

(d) REPORT ON ENROLLMENTS.—Not later than January 30, 2024, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report identifying, with respect to the one-year period beginning on October 1, 2022, the number of veterans described in section 1710(e)(3)(B) of title 38, United States Code, as amended by subsection (a)(2), who, during such period, enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of such title.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2022.

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

Toxic Exposure
in the American
Military Act of
2022.

38 USC 101 note.

SEC. 201. SHORT TITLE.

This title may be cited as the “Toxic Exposure in the American Military Act of 2022” or the “TEAM Act of 2022”.

SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF VETERANS AFFAIRS TO ESTABLISH PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE.

(a) ADVISORY COMMITTEES, PANELS, AND BOARDS.—Chapter 11 is amended by adding at the end the following new subchapter:

38 USC 1101
prec.

"SUBCHAPTER VII—DETERMINATIONS RELATING TO PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE38 USC 1171
prec.**"§ 1171. Procedures to determine presumptions of service connection based on toxic exposure; definitions**

38 USC 1171.

"(a) **PROCEDURES.**—The Secretary shall determine whether to establish, or to remove, presumptions of service connection based on toxic exposure pursuant to this subchapter, whereby—

"(1) under section 1172 of this title—

"(A) the Secretary provides—

"(i) public notice regarding what formal evaluations the Secretary plans to conduct; and

"(ii) the public an opportunity to comment on the proposed formal evaluations;

"(B) the working group established under subsection (b) of such section provides—

"(i) advice to the Secretary on toxic-exposed veterans and cases in which veterans who, during active military, naval, air, or space service, may have experienced a toxic exposure or their dependents may have experienced a toxic exposure while the veterans were serving in the active military, naval, air, or space service;

"(ii) recommendations to the Secretary on corrections needed in the Individual Longitudinal Exposure Record to better reflect veterans and dependents described in clause (i); and

"(iii) recommendations to the Secretary regarding which cases of possible toxic exposure should be reviewed;"

"(2) the Secretary provides for formal evaluations of such recommendations under section 1173 of this title and takes into account reports received by the Secretary from the National Academies of Sciences, Engineering, and Medicine under section 1176 of this title; and

"(3) the Secretary issues regulations under section 1174 of this title.

Notice.

Public comment.

Recommendations.

Evaluations.

Regulations.

"(b) **DEFINITIONS.**—In this subchapter:

"(1) The term 'illness' includes a disease or other condition affecting the health of an individual, including mental and physical health.

"(2) The term 'Individual Longitudinal Exposure Record' includes—

"(A) service records;

"(B) any database maintained by the Department of Defense and shared with the Department of Veterans Affairs to serve as a central portal for exposure-related data that compiles, collates, presents, and provides available occupational and environmental exposure information to support the needs of the Department of Defense and the Department of Veterans Affairs; or

"(C) any successor system to a database described in subparagraph (B).