TABLE OF APPENDICES

APPENDIX A

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
No. 25-1995

In re: CHARITY MAINVILLE,
Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Middle District of North Carolina, at Greensboro. (1:25-cv-00417-WO-LPA; 1:25-cv-00302-WO-LPA)

Submitted: September 11, 2025
Decided: September 17, 2025

Before NIEMEYER, KING, and QUATTLEBAUM, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Charity Mainville, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charity Mainville petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on several motions in two pending civil cases. She seeks an order from this court directing the district court to act. In a supplement to her petition, Mainville also seeks an order vacating various district court orders ruling on motions filed in her cases.

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 right to the relief sought and "has no other adequate means to attain the relief [she] desires." Murphy-Brown, 907 F.3d at 795 (alteration and internal quotation marks omitted). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

The present record does not reveal undue delay in the district court. Additionally, to the extent that Mainville is attempting to use mandamus to overturn certain district court orders, such relief is not available by way of mandamus. Mainville has not identified any other basis for mandamus relief. Accordingly, we deny Mainville's motion to expedite and deny the mandamus petition as supplemented. 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

APPENDIX B

FILED: November 18, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1995
(1:25-cv-00417-WO-LPA)
(1:25-cv-00302-WO-LPA)

In re: CHARITY MAINVILLE
Petitioner

ORDER

Upon consideration of submissions relative to petitioner's response to clerk's letter and motion to correct opinion, which the court construes as a motion to reconsider its Local 40(h) notice and accept the motion to correct or amend the court's opinion, the court denies the motion.

For the Court
/s/ Nwamaka Anowi, Clerk

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

1:25-cv-302

CHARITY MAINVILLE

Plaintiff,

v.

ANNA DE SANTIS and DE SANTIS RENTALS, LLC,

Defendants.

ORDER

Plaintiff has filed a Renewed Motion for Leave to Effect Alternative Service on Defendants Anna De Santis and De Santis Rentals, LLC. (Doc. 20.)

Plaintiff's motion contains a section entitled "Objection to Factual Mischaracterization and Procedural Injustice." (Id. at 5–9.) Plaintiff's practice of making complaints about prior court orders in new, subsequent motions is not compelling and is generally irrelevant to the new motion raising new issues, facts, and argument. This court did not and does not regard its previous findings with respect to service as "minor procedural imperfections," (id. at 8), nor does this court agree with Plaintiff's characterization of the facts and previous findings by

the court, (see id. at 5-9). This court's disagreement with Plaintiff's conclusions is not "injustice," simply a difference of opinion.

Regardless of whether this court agrees or disagrees with Plaintiff's characterizations of past rulings, those matters are irrelevant to this motion. Plaintiff's arguments in support of her motions should be confined to the pending issues. "All motions shall state with particularity the grounds therefor, shall cite any statute or rule of procedure relied upon, and shall set forth the relief or order sought." LR7.3(b). Briefs shall contain "[a] concise statement of the facts[,] . . . [a] statement of the question or questions presented[,] . . . [and] the argument." LR7.2(a). Neither rule authorizes an irrelevant critique of a prior order. Any such argument by Plaintiff in motions raising new issues will be disregarded by this court.

Relatedly, Plaintiff captions her motion as a "renewed" motion for alternative service. (See Doc. 20.) This court does not permit a motion, however captioned, to renew or incorporate previous arguments that have been ruled upon. To do so can lead to violations of word limitations in briefs and also can create confusion as to which arguments are "renewed," which arguments have been supplemented, or which arguments have been abandoned. In addressing Plaintiff's pending motion, this court considers only those arguments relevant to the pending motion.

Turning to Plaintiff's present motion for alternative service, Plaintiff moves the court for "leave to serve Defendant by electronic mail." (Doc. 20 at 1.) Additionally, Plaintiff "proposes providing a courtesy copy of the summons and complaint to counsel for co-defendant Yopp, with the request that it be forwarded to Defendant De Santis." (Id.)[1]

In support of her motion, Plaintiff first relies upon WhosHere, Inc. v. Orun, No. 1:13-cv-526, 2014 WL 670817 (E.D. Va. Feb. 20, 2014), Lipenga v. Kambalame, No. GJH-14-3980, 2015 WL 9484473 (D. Md. Dec. 28, 2015),[2] and Rio Props., Inc. v. Rio Int'l Interlink, 284 F.3d 1007 (9th Cir. 2002), all of which permitted service of process by email pursuant to Federal Rule of Civil Procedure 4(f)(3). Rule 4(f)(3) permits service of an individual in a foreign country "by other means not prohibited by international agreement, as the court orders." Fed. R. Civ. P. 4(f)(3).

Here, however, Plaintiff's motion supports a finding only that as of July 2025, an unknown person

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[1] It bears noting that in the present case, the listed Defendants include only Anna De Santis and De Santis Rentals, LLC. There is no "co-defendant Yopp" in this case. Plaintiff has, in a separate action before this court, sued a variety of individuals, including David M. Yopp and Anna De Santis. (See No. 25-cv-417.)

[2] Plaintiff cites to Lipenga as 219 F. Supp. 3d 517 (D. Md. 2016), but the language she quotes comes from an earlier order in that case, Lipenga v. Kambalame, No. GJH-14-3980, 2015 WL 9484473 (D. Md. Dec. 28, 2015).

told a Wake County Sheriff's Office deputy that Defendant De Santis was "out of the country until further notice." (Doc. 20 at 2–3; Doc. 20-3 at 1.) The fact that an unknown person conveyed this information to a Sheriff's deputy does not necessarily support the truth of that information. Further, even assuming that information was true, it is not clear that it remains true at this juncture. But most importantly, the statement that Defendant De Santis is "out of the country" is too vague for this court to assess whether an alternate means of service under Federal Rule of Civil Procedure 4(f)(3) is appropriate because that Rule requires the court to confirm any such alternate means are not "prohibited by international agreement." See Fed. R. Civ. P. 4(f)(3). Without knowing where Defendant De Santis is located, this court cannot determine which, if any, international agreements may pose a barrier to alternative service.

Accordingly, the Rule 4(f)(3) cases cited by Plaintiff are distinguishable, as the plaintiff in each case identified the precise foreign country of location. See Rio Props., Inc., 284 F.3d at 1012–13 (permitting alternative service upon Costa Rican entity); WhosHere, Inc., 2014 WL 670817, at *1 (permitting alternative service upon defendant "who is allegedly located in Turkey"); Lipenga, 2015 WL 9484473, at *1 (permitting alternative service upon defendant who "currently resides in Zimbabwe" and acts as a diplomat for the "Republic of Malawi"). With that information, each court was able to assess whether the relevant country was a signatory to any

international agreements that may pose a barrier to the requested methods of alternative service. See Rio Props., Inc., 284 F.3d at 1015 n.4; WhosHere, Inc., 2014 WL 670817, at *3, Lipenga, 2015 WL 9484473, at *4. Unlike the cases cited by Plaintiff, in this case, there is insufficient evidence at this time to assess whether alternative service under Rule 4(f)(3) is appropriate.

In addition to those three cases, Plaintiff cites U.S. Commodity Futures Trading Commission v. Thomas, No. 1:16-cv-226 (M.D.N.C. Sept. 20, 2016). This case is more compelling, although it is distinguishable in critical ways that do not support granting Plaintiff's requested relief. In U.S. Commodity Futures, defendant Thomas was alleged to be a resident of Charlottesville, Virginia. (See 1:16-cv-226, Doc. 1 ¶ 10.) The Magistrate Judge ordered service of the summons and complaint by both publication and email to two email addresses. (1:16-cv-226, Doc. 10.) The Federal Rules of Civil Procedure allow for service of process by "following state law . . . where the district court is located" as to both an individual within a judicial district of the United States, Fed. R. Civ. P. 4(e)(1), and a domestic corporation, Fed. R. Civ. P. 4(h)(1)(A), and in North Carolina, publication is, in some circumstances, an acceptable form of service, see N.C. Gen Stat. § 1A-1, Rule 4(j1). Notably, the plaintiff in U.S. Commodity Futures presented a plan for service by publication and email, explicitly explained how that plan would comply with the North Carolina rule and due process, (see Doc. 9 at 4–6), and detailed the

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

1:25-cv-417

CHARITY MAINVILLE

Plaintiff,

v.

EUGENE H. SOAR, DAVID M. YOPP, CHRISTINE M. WALCZYK, VARTAN A. DAVIDIAN, III, JOHN DOES 1-3, ANNA C. DE SANTIS, and KARLENE S. TURRENTINE,

Defendants.

ORDER

Plaintiff has filed a Motion for Leave to Effect Alternative Service on Defendant Anna De Santis. (Doc. 39.) The motion is similar to a motion filed in a separate case filed by Plaintiff naming Anna De Santis as a defendant. (See 1:25-cv-302, Doc. 20.) For the same reasons explained in that order and restated hereinbelow, the present motion, (Doc. 39), will be denied.

Plaintiff moves the court for "leave to serve Defendant by electronic mail." (Doc. 39 at 1.) Additionally, Plaintiff "proposes providing a courtesy copy of the summons and complaint to counsel for co-

defendant Yopp, with the request that it be forwarded to Defendant De Santis." (Id.)

In support of her motion, Plaintiff first relies upon WhosHere, Inc. v. Orun, No. 1:13-cv-526, 2014 WL 670817 (E.D. Va. Feb. 20, 2014), Lipenga v. Kambalame, No. GJH-14-3980, 2015 WL 9484473 (D. Md. Dec. 28, 2015),[1] and Rio Props., Inc. v. Rio Int'l Interlink, 284 F.3d 1007 (9th Cir. 2002), all of which permitted service of process by email pursuant to Federal Rule of Civil Procedure 4(f)(3). Rule 4(f)(3) permits service of an individual in a foreign country "by other means not prohibited by international agreement, as the court orders." Fed. R. Civ. P. 4(f)(3).

Here, however, Plaintiff's motion supports a finding only that as of July 2025, an unknown person told a Wake County Sheriff's Office deputy that Defendant De Santis was "out of the country until further notice." (Doc. 39 at 2–3; Doc. 39-1 at 1.) The fact that an unknown person conveyed this information to a Sheriff's deputy does not necessarily support the truth of that information. Further, even assuming that information was true, it is not clear that it remains true at this juncture. But most importantly, the statement that Defendant De Santis is "out of the country" is too vague for this court to assess whether an alternate means of service under

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[1] Plaintiff cites to Lipenga as 219 F. Supp. 3d 517 (D. Md. 2016), but the language she quotes comes from an earlier order in that case, Lipenga v. Kambalame, No. GJH-14-3980, 2015 WL 9484473 (D. Md. Dec. 28, 2015).

Federal Rule of Civil Procedure 4(f)(3) is appropriate because that Rule requires the court to confirm any such alternate means are not "prohibited by international agreement." See Fed. R. Civ. P. 4(f)(3). Without knowing where Defendant De Santis is located, this court cannot determine which, if any, international agreements may pose a barrier to alternative service.

Accordingly, the Rule 4(f)(3) cases cited by Plaintiff are distinguishable, as the plaintiff in each case identified the precise foreign country of location. See Rio Props., Inc., 284 F.3d at 1012–13 (permitting alternative service upon Costa Rican entity); WhosHere, Inc., 2014 WL 670817, at *1 (permitting alternative service upon defendant "who is allegedly located in Turkey"); Lipenga, 2015 WL 9484473, at *1 (permitting alternative service upon defendant who "currently resides in Zimbabwe" and acts as a diplomat for the "Republic of Malawi"). With that information, each court was able to assess whether the relevant country was a signatory to any international agreements that may pose a barrier to the requested methods of alternative service. See Rio Props., Inc., 284 F.3d at 1015 n.4; WhosHere, Inc., 2014 WL 670817, at *3, Lipenga, 2015 WL 9484473, at *4. Unlike the cases cited by Plaintiff, in this case, there is insufficient evidence at this time to assess whether alternative service under Rule 4(f)(3) is appropriate.

In addition to those three cases, Plaintiff cites U.S. Commodity Futures Trading Commission v. Thomas, No. 1:16-cv-226 (M.D.N.C. Sept. 20, 2016).

This case is more compelling, although it is distinguishable in critical ways that do not support granting Plaintiff's requested relief. In U.S. Commodity Futures, defendant Thomas was alleged to be a resident of Charlottesville, Virginia. (See 1:16-cv-226, Doc. 1 ¶ 10.) The Magistrate Judge ordered service of the summons and complaint by both publication and email to two email addresses. (1:16-cv-226, Doc. 10.) The Federal Rules of Civil Procedure allow for service of process by "following state law . . . where the district court is located" as to both an individual within a judicial district of the United States, Fed. R. Civ. P. 4(e)(1), and a domestic corporation, Fed. R. Civ. P. 4(h)(1)(A), and in North Carolina, publication is, in some circumstances, an acceptable form of service, see N.C. Gen Stat. § 1A-1, Rule 4(j1). Notably, the plaintiff in U.S. Commodity Futures presented a plan for service by publication and email, explicitly explained how that plan would comply with the North Carolina rule and due process, (see Doc. 9 at 4–6), and detailed the proposed manner of service by publication. (Doc. 9 at 4, 7; Doc. 9-11.) The Magistrate Judge's order in U.S. Commodity Futures allowed service of process by publication as permitted by the North Carolina Rules of Civil Procedure, Rule 4(j1) in addition to service by email.[2]

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[2] The North Carolina Rules of Civil Procedure prohibit service of process by electronic mail alone. See N.C. Gen. Stat. § 1A-1, Rule 4(j6) ("Nothing in subsection (j) of this section

Plaintiff here, rather than proposing service by publication, offers to provide "a courtesy copy of the summons and complaint to counsel for co-defendant Yopp, with the request that it be forwarded to Defendant De Santis." (Doc. 39 at 1.) This court does not find this proposal acceptable, as counsel for defendant Yopp has duties to his own client, not to other defendants in this case. This court declines to direct delivery of a courtesy copy to co-defendant Yopp as substitute for an authorized manner of service of process on a party that, to this point, cannot be otherwise served according to Plaintiff.

Plaintiff's motion will be denied without prejudice to Plaintiff's submission of a new motion requesting alternative service of process reasonably supported by, and in accordance with, the applicable rules of civil procedure and due process. If Plaintiff choses to file such a motion, Plaintiff must present a plan for service which complies with the applicable rules of civil procedure; it is not the responsibility of this court to review Plaintiff's motions and explain what actions are required to effect service.

It is long-standing and well known that a federal court has no Article III power to issue advisory opinions. United Pub. Workers of Am. (C.I.O.) v. Mitchell, 330 U.S. 75, 89, (1947). See generally, 13 Wright & Miller, Federal Practice and Procedure, § 3529, a 1, 154–64 (1975). Neither the Court, nor its

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authorizes the use of electronic mailing for service on the party to be served.").

administrative staff, are empowered either to dispense legal advice to parties, or to practice their case on their behalf.

Sari v. Am.'s Home Place, Inc., 1:14-cv-1454; 2015 WL 12780462 at *5 (E.D. Va. Apr. 2, 2015). Plaintiff has demonstrated an ability to conduct extensive research on the law and applicable rules of civil procedure. This court's role is limited to determining whether any motions should be granted or denied.

For the reasons set forth herein,

IT IS ORDERED that Plaintiff's Renewed Motion for Leave to Effect Alternative Service on Defendants Anna De Santis and De Santis Rentals, LLC, (Doc. 20), is **DENIED WITHOUT PREJUDICE.**

This the 21st day of August, 2025.

William L. Osteen, Jr.
United States District Judge

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

1:25-cv-302

CHARITY MAINVILLE

Plaintiff,

v.

ANNA DE SANTIS and DE SANTIS RENTALS, LLC,

Defendants.

ORDER

Plaintiff has filed Plaintiff's Motion to Alter or Amend Judgment Pursuant to Rule 59(e), (Doc. 17), requesting modification of this court's order adopting the Recommendation of the Magistrate Judge, (Doc. 15). The named defendants have not yet been served with the complaint and have not entered an appearance. Therefore, no response to the motion will be forthcoming and Plaintiff's motion, (Doc. 17), is ready for ruling. After careful review, this court finds the motion should be denied.

Plaintiff brings her motion pursuant to Federal Rule of Civil Procedure 59(e), (see Doc. 17 at 1 ("Grounds for Reconsideration under Rule 59(E)")), which provides that "[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment," Fed. R. Civ. P. 59(e).

Federal Rule of Civil Procedure 54(a) defines "Judgment" as "a decree and any order from which an appeal lies." Fed. R. Civ. P. 54(a). As relevant to the definition of "Judgment," "[t]he courts of appeals . . . shall have jurisdiction of appeals from all final decisions of the district courts of the United States." 28 U.S.C. § 1291. This court previously noted, and reiterates here again, that Plaintiff's objections, (see Doc. 14), and this court's order, relate "to several non-dispositive orders entered by the Magistrate Judge assigned to this case," (Doc. 15 at 1). These non-dispositive matters are not final decisions within the meaning of Rule 54(a) or 28 U.S.C. § 1291. Therefore, Plaintiff's motion pursuant to Fed. R. Civ. P. 59(e) will be denied for that reason alone.

Nevertheless, this court has authority to amend an order either through a motion for reconsideration pursuant to Federal Rule of Civil Procedure 54(b) or on a motion pursuant to Federal Rule of Civil Procedure 60.

Federal Rule of Civil Procedure 54(b) allows any interlocutory order to "be revised at any time before the entry of a judgment." Fed. R. Civ. P. 54(b). There are only three circumstances where a court may revise an interlocutory order under Rule 54(b): "(1) 'a subsequent trial produc[ing] substantially different evidence'; (2) a change in applicable law; or (3) clear error causing 'manifest injustice.'" Carlson v. Bos. Sci. Corp., 856 F.3d 320, 325 (4th Cir. 2017) (alteration in original) (quoting Am. Canoe Ass'n v. Murphy Farms, Inc., 326 F.3d 505, 515 (4th Cir. 2003)). "However, when assessing a Rule 54(b)

motion for reconsideration, these standards are not applied with the same strictness as when they are used under Rule 59(e)." Mobley v. Greensboro City Police Dep't, No. 1:17-cv-114, 2018 WL 6110997, at *2 (M.D.N.C. Nov. 21, 2018); accord Carlson, 856 F.3d at 325 ("Compared to motions to reconsider final judgments pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Rule 54(b)'s approach involves broader flexibility to revise interlocutory orders before final judgment as the litigation develops and new facts or arguments come to light.").

Rule 60(b) provides that this court may "relieve a party . . . from a final judgment, order, or proceeding for the following reasons":

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

This court disagrees with the majority of facts and conclusions Plaintiff asserts in her motion. (See Doc. 17.) For example, Plaintiff contends that her use of quotation marks was "not intended to represent verbatim excerpts from Coffin v. Murray . . . but rather to emphasize core legal principles derived from those decisions." (Doc. 17 at 4.) Quotation marks are "used chiefly to indicate the beginning and the end of a quotation in which the exact phraseology of another or of a text is directly cited." See Quotation Mark, Merriam-Webster, https://www.merriam-webster.com/dictionary/quotationmarks (last visited August 20, 2025). If Plaintiff is submitting a paraphrased version of words or phrases to describe a legal principle, that should be clear. And so there is no mistake: Plaintiff will be held to "strict formatting standards," (see Doc. 17 at 3), and, as Plaintiff's writing demonstrates here, "selective scrutiny," (id.) is neither unfair or indicative of partiality. Close scrutiny is necessary to discern Plaintiff's meaning through the use of "stylistic" writing, (id.), which may be innocent but may also represent an effort to deceive the court.

Furthermore, Plaintiff's argument that Local Rule 7.3(a) applies to "substantive adversarial motions requiring responsive briefing," (id. at 4), and that "all of Plaintiff's motions at issue in her Rule 72 objection fall under LR 7.3(j)(10) ('for relief sought to which all parties to the action consent')", (id.; see also LR7.3(j)(10)), is not only disingenuous, but deceptive.

No other parties have appeared in this case and there is no consent.

In short, this court disagrees with Plaintiff's allegations and arguments in the motion and declines to engage in a further point-by-point responsive process. After careful review, this court finds the motion should be denied. More specifically, this court denies Plaintiff's motion to vacate the July 7, 2025 Order, (Doc. 15), denies the request to grant Plaintiff access to CM/ECF, and finds no harm from, or actions constituting, selective enforcement, procedural obstruction, or judicial bias, (see Doc. 17 at 13). Plaintiff's motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Alter or Amend Judgment Pursuant to Rule 59(e), (Doc. 17), is **DENIED**.

This the 21st day of August, 2025.

William L. Osteen, Jr.
United States District Judge