

IN THE SUPREME COURT OF THE UNITED STATES

MARTIN AKERMAN, PRO SE,

Petitioner,

v.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Respondent.

MOTION FOR RECUSAL
OF THE CHIEF JUSTICE ROBERTS AND ASSOCIATE JUSTICE BARRETT

I. Grounds for Recusal of Chief Justice Roberts.....	2
A. Oversight of the Application of Rule 39.8.....	2
B. Supervisory Role over the Fourth Circuit.....	3
II. Grounds for Recusal of Justice Barrett.....	4
A. Conflict of Interest in This Petition.....	4
B. Conflict of Interest in Attached Matters.....	4
III. Legal Standard for Recusal.....	4
IV. Supporting Evidence.....	5
V. Relief Requested.....	5

To the Honorable Justices of the Supreme Court:

The petitioner, Martin Akerman, respectfully moves for the recusal of Chief Justice John G. Roberts, Jr. and Justice Amy Coney Barrett from considering this Petition for Writ of Mandamus and all related matters, pursuant to 28 U.S.C. § 455(a) and § 455(b). This motion is made on the grounds that their continued involvement would create the appearance of partiality and compromise the fairness of the proceedings due to conflicts of interest and supervisory roles in matters directly challenged in this petition.

I. Grounds for Recusal of Chief Justice Roberts

A. Oversight of the Application of Rule 39.8

Chief Justice Roberts, as head of the Supreme Court's administration, oversees the application of Rule 39.8 through the Clerk of the Court. Rule 39.8 was improperly applied to label the petitioner's prior filings, including Case No. 24-5218, as frivolous. This stigmatization obstructed the petitioner's access to justice and prejudiced the consideration of his substantial constitutional claims, which include violations of due process and the Second Amendment.

The petitioner's challenge to the application of Rule 39.8 inherently implicates Chief Justice Roberts' oversight role, creating a reasonable question of impartiality under 28 U.S.C. § 455(a), which requires recusal when impartiality "might reasonably be questioned." The petitioner's concerns are not speculative but are grounded in administrative actions directly connected to Chief Justice Roberts' responsibilities.

B. Supervisory Role over the Fourth Circuit

As part of his administrative duties, Chief Justice Roberts exercises supervisory authority over the Fourth Circuit. The petitioner's related cases in the Fourth Circuit, including Case No. 22-2066, involve systemic procedural irregularities and denial of fair appellate review. These deficiencies echo the broader patterns of administrative and procedural errors challenged in this petition.

Additionally, the petitioner cites the culture within the Eastern District of Virginia as emblematic of these systemic failures. In Case No. 1:24-cv-01284, filings hand-delivered on November 13, 2024, were stamped but not timely added to the docket, jeopardizing the petitioner's passport and causing unnecessary procedural delays. These actions suggest a pattern of retaliation and administrative neglect that occurred under the Chief Justice's oversight. These facts raise significant concerns about his ability to impartially adjudicate this matter without the appearance of bias.

II. Grounds for Recusal of Justice Barrett

A. Conflict of Interest in This Petition

Justice Barrett's prior involvement in related proceedings, including as Circuit Justice for the Seventh Circuit in Case No. 24A273, presents a direct conflict of interest. This petition challenges procedural decisions made under her purview, including the denial of relief in cases substantively connected to this matter. Justice Barrett's prior decisions raise reasonable doubts about her impartiality in adjudicating the issues presented in this petition.

B. Conflict of Interest in Attached Matters

This petition also implicates Justice Barrett's prior rulings in cases involving Northwestern Mutual Life Insurance Company, a named party in the petitioner's litigation. Her procedural oversight of the Seventh Circuit and involvement in rulings tied to the petitioner's claims further underscore her conflict of interest. These facts create an appearance of bias, necessitating recusal under 28 U.S.C. § 455(a) and § 455(b).

III. Legal Standard for Recusal

Under 28 U.S.C. § 455(a), a justice must disqualify themselves from any proceeding in which their impartiality might reasonably be questioned. Additionally, 28 U.S.C. § 455(b) mandates recusal where a justice has a personal bias, prejudice, or knowledge of disputed evidentiary facts. The petitioner's claims, including challenges to the improper application of Rule 39.8, systemic procedural irregularities, and conflicts arising from related matters, satisfy these statutory grounds.

IV. Supporting Evidence

The petitioner attaches the following evidence to substantiate the need for recusal:

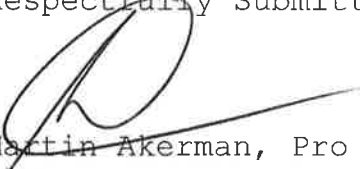
1. **Eastern District of Virginia Case No. 1:24-cv-01284:** Documents showing that filings hand-delivered on November 13, 2024, were stamped but not docketed in a timely manner. These delays jeopardized the petitioner's passport and reflect a retaliatory culture within the district court.
2. **Seventh Circuit and Supreme Court Records:** Evidence of the improper application of Rule 39.8 to dismiss legitimate constitutional claims as frivolous, including Case Nos. 24-5218 and 24A273.
3. **Related Proceedings in the Fourth Circuit:** Records highlighting systemic procedural irregularities in Fourth Circuit Case Nos. 22-2066 and 24-1943, which are materially connected to the issues raised in this petition.

V. Relief Requested

For the foregoing reasons, the petitioner respectfully requests that:

- A. Chief Justice Roberts recuse himself from considering this Petition for Writ of Mandamus and all related matters.
- B. Justice Barrett recuse herself from considering this Petition for Writ of Mandamus and all related matters.
- C. The Court reassign oversight of this matter to ensure impartial adjudication and avoid the appearance of bias.

Respectfully Submitted,



Martin Akerman, Pro Se
2001 North Adams Street, Unit 440
Arlington, VA 22201
(202) 656 - 5601

**Exhibit A: Memorandum Opinion and Order
(Eastern District of Virginia)**

This document illustrates systemic procedural delays and irregularities in the Fourth Circuit, as evidenced by Case No. 1:24-cv-01284 (E.D. Va.). The opinion and order reflect a concerning culture where filings are processed inconsistently. Specifically, filings hand-delivered on November 13, 2024, were not docketed in a timely manner, jeopardizing the petitioner's ability to address time-sensitive matters, including his passport status. This systemic issue mirrors similar irregularities in Fourth Circuit Case Nos. 22-2066 and 24-1943.

The procedural irregularities highlighted in Exhibits A, B, and C are not isolated incidents but part of a systemic issue spanning multiple circuits. In the Seventh Circuit, these issues manifest in the improper application of Rule 39.8, which unjustly stigmatized the petitioner's filings as frivolous. These systemic failures underscore the need for recusal to ensure impartial adjudication.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MARTIN AKERMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:24-cv-1284 (RDA/LRV)
)	
ATTORNEY HAMEL, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

This case comes before the Court on Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (the “Application”), Dkt. 2, filed in conjunction with his *pro se* Complaint, Dkt. 1. For the reasons that follow, this Court DENIES Plaintiff’s Application and DISMISSES the Complaint.

I. RELEVANT STANDARDS

“The federal *in forma pauperis* statute, first enacted in 1892 [and now codified at 28 U.S.C. § 1915], is intended to guarantee that no citizen shall be denied access to the courts solely because his poverty makes it impossible for him to pay or secure the costs.” *Nasim v. Warden, Md. House of Corr.*, 64 F.3d 951, 953 (4th Cir. 1995) (*en banc*) (internal quotation marks omitted). “Dispensing with filing fees, however, [is] not without its problems In particular, litigants suing *in forma pauperis* d[o] not need to balance the prospects of successfully obtaining relief against the administrative costs of bringing suit.” *Nagy v. Federal Med. Ctr. Butner*, 376 F.3d 252, 255 (4th Cir. 2004). To address this concern, the *in forma pauperis* statute provides that “the [C]ourt shall dismiss the case at any time if the [C]ourt determines that . . . the action . . . fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii). Further, pursuant to § 1915A, this Court must dismiss any claims based upon “an indisputably meritless legal theory,”

or claims where the “factual contentions are clearly baseless.” *Clay v. Yates*, 809 F. Supp. 417, 427 (E.D. Va. 1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)).

A plaintiff “fails to state a claim on which relief may be granted,” *id.*, when the complaint does not “contain sufficient *factual matter*, accepted as true, to ‘state a claim to relief that is plausible on its face,’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (emphasis added) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “Where a complaint pleads facts that are merely consistent with a defendant’s liability, it stops short of the line between possibility and plausibility of entitlement to relief.” *Id.* (internal quotation marks omitted). This standard “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.* In other words, “the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.*¹

II. BACKGROUND

Asserting claims under 42 U.S.C. § 1983 and the Fourteenth Amendment, Plaintiff initiated this action against “Attorney Hamel,” the Fairfax County District Attorney, and “Unknown State Officers,” (collectively, the “Defendants”). Dkt. 2 at 2-3. According to Plaintiff’s Complaint, “the District Attorney of Fairfax County, Hamel, and other state officers comitted [sic] fraud and

¹ Although “[a] document filed *pro se* is to be liberally construed and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers,” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (internal quotation marks and citation omitted), the the Fourth Circuit has “not read *Erickson* to undermine *Twombly*’s requirement that a pleading contain more than labels and conclusions,” *Giarratano v. Johnson*, 521 F.3d 298, 304 n.5 (4th Cir. 2008) (internal quotation marks omitted) (dismissing *pro se* complaint); *accord Atherton v. District of Columbia Off. of the Mayor*, 567 F.3d 672, 681-82 (D.C. Cir. 2009) (“A *pro se* complaint . . . ‘must be held to less stringent standards than formal pleadings drafted by lawyers.’ But even a *pro se* complainant must plead ‘factual matter’ that permits the court to infer ‘more than the mere possibility of misconduct.’” (first quoting *Erickson*, 551 U.S. at 94; then quoting *Iqbal*, 556 U.S. at 679)).

perjury, depriving [him] of [his] constitutional rights to due process under the Fourteenth Amendment . . . [and] den[ying him] a fair hearing, violating [his] right to a fair procedure and access to justice.” *Id.* at 4.

The Complaint seeks relief in the form of, *inter alia*, an unspecified amount of compensatory and punitive damages, “declaratory judgment that the actions of the state officers violated [his] rights,” and “injunctive relief to prevent further violations.” *Id.*

III. ANALYSIS

As an initial matter, to state a claim for relief under Section 1983, Plaintiff must assert “that [he was] deprived of a right secured by the Constitution or laws of the United States, and that the alleged deprivation was committed under color of state law.” *American Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 49-50 (1999); *see also Jones v. Chandrasuwan*, 820 F.3d 685, 691 (4th Cir. 2016) (“Section 1983 is not itself a source of substantive rights, but rather provides a method for vindicating federal constitutional and statutory rights.”). Although Plaintiff has alleged a violation of his rights under the Fourteenth Amendment, limitations on the scope of Section 1983 relief and Plaintiff’s failure to name specific defendants require dismissal of this action.

A. Plaintiff’s Application to Proceed *In Forma Pauperis*

Plaintiff’s Application to proceed in forma pauperis reveals that Plaintiff’s spouse receives \$3,600 in income monthly, Dkt. 2 at 1, and that between Plaintiff and his spouse, they possess \$52,000 in bank accounts, with Plaintiff possessing \$2,000 and his spouse possessing the remainder. *Id.* at 2. Plaintiff notes that his only expense is \$1,110 dollars in alimony, maintenance, and/or support paid to others, but when noting the expenses of his spouse, he wrote “ALL” and then a 0 for the sum total. *Id.* at 4. Spousal income and spousal expenses are appropriate

considerations in determining *in forma pauperis status*. See *Assaad-Faltas v. Univ. of S.C.*, 971 F. Supp. 985, 990 (D.S.C. 1997), *aff'd sub nom.*, 165 F.3d 910 (4th Cir. 1998).

Accordingly, on the basis of Plaintiff's spouse's bank account containing \$50,000 and indicating only \$1,110 in expenses between both Plaintiff and his spouse, this Court denies Plaintiff's Application, as it indicates sufficient funds to pay the full filing fee. Nevertheless, the Court suspects that Plaintiff has mistakenly marked spousal expenses as a sum total of \$0 after indicating that his spouse handled "ALL" expenses. Therefore, the Court will allow Plaintiff to file an amended Application to Proceed in District Court Without Prepaying Fees or Costs in order to clarify this confusion and remedy any mistakes in the original Application.

B. Plaintiff's Claims Against Attorney Hamel

First, as to Attorney Hamel, the Complaint does not specify whether Plaintiff alleges an individual-capacity or official-capacity claim under Section 1983. See Dkt. 2 at 1-6.

Assuming Plaintiff alleges an individual-capacity claim against Attorney Hamel, the Supreme Court has held that "absolute immunity appl[ies] with full force" to a prosecutor's activities that remain "intimately associated with the judicial phase of the criminal process." *Imbler v. Pachtman*, 424 U.S. 409, 430 (1976); see also *Polidi v. Bannon*, 226 F. Supp. 3d 615, 620-21 (E.D. Va. Dec. 28, 2016) ("Prosecutors are absolutely immune from suits for money damages for conduct in or connected with judicial proceedings."). The Complaint faults Attorney Hamel with perjury and fraud during a "child support modification hearing," Dkt. 2 at 4, and lacks any factual allegations suggesting that Attorney Hamel acted outside the judicial process during the hearing, *see id.* As a result, prosecutorial immunity precludes any Section 1983 claim against

Attorney Hamel in their individual capacity.

Likewise, to the extent the Complaint asserts an official-capacity Section 1983 claim for damages against Attorney Hamel, a Fairfax County District Attorney, such claim fails as a matter of law because “a suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official’s office,” *Will*, 491 U.S. at 71, and “a State is not a person within the meaning of [Section] 1983,” *id.* at 64. In Virginia, district attorneys and their assistants act as arms of the State. *See* Va. State Code §§15.2-1626 (creating prosecutorial districts and position of district attorney), 15.2-1627 (empowering district attorneys and their assistants to various duties in both civil and criminal matters), 15.2-1627.1 (establishing compensation for district attorneys and assistant district attorneys). As a result, any official-capacity claim under Section 1983 against Fairfax County District Attorney, Attorney Hamel suffers from an obvious fatal defect, as “neither a State nor its officials acting in their official capacities are ‘persons’ under [Section] 1983,” *Will*, 491 U.S. at 71. For these reasons, the Court will dismiss all claims against Attorney Hamel with prejudice because he is immune.

C. Plaintiff’s Claims Against the Unknown State Officers

Turning to Plaintiff’s claims against the Unknown State Officers, each named defendant in a Section 1983 complaint must have had personal knowledge of and involvement in the alleged violations of the plaintiff’s constitutional rights. *De’Lonta v. Fulmore*, 745 F. Supp. 2d 687, 690-91 (E.D. Va. 2010); *see Barren v. Harrington*, 152 F.3d 1193, 1194-95 (9th Cir. 1998) (“A plaintiff must allege facts, not simply conclusions, that show that an individual was personally involved in the deprivation of his civil rights.”); *see also Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th Cir.

1978) (discussing “requisite causal connection” in Section 1983 cases between named defendant and claimed injury).

Accordingly, Plaintiff must allege claims against specific individual persons, not simply an unspecified collective role or position, in order to state a claim for relief under Section 1983. In this case, Plaintiff named “Unknown State Officers,” Dkt. 2 at 2, assumably referring to various people that have occupied the role at some point in time. Paired with the allegations provided of violations at an unspecified “child support modification hearing,” Plaintiff has not provided enough information to plausibly identify or state a claim against the Unknown State Officer Defendants. Accordingly, this Court will dismiss all claims against the Unknown State Officer Defendants without prejudice with leave to amend so that Plaintiff may specify the individual State Officer Defendants he wishes to name in this suit.

D. Conclusory Allegations

In the alternative, Plaintiff’s claims still fail under Section 1915(e)(2)(B)(ii), as conclusory. The Complaint alleges violations of fraud and perjury but does not develop sufficient factual matter to support such allegations. *See* Dkt. 1 at 4. The Complaint simply contends that Defendants “committed fraud and perjury” and “depriv[ed Plaintiff] of [his] rights,” *id.* but fails to provide further detail on the alleged conflict. Moreover, other than the aforementioned conclusory allegation, the Complaint does not address what action(s), if any, Defendants took in violation of Plaintiff’s rights. *Id.* at 1-6. In other words, the Complaint does not indicate in any meaningful way that Defendants engaged in a violation of Plaintiff’s rights as required to state a plausible claim.

As Plaintiff is proceeding *pro se*, he will be allowed leave to amend his Complaint. If Plaintiff chooses to amend his Complaint, Plaintiff must not only name the specific and individual defendant or defendant associated with each claim, but also provide facts associated with each claim. This must include the acts or omissions that he alleges establish each defendant's liability. In setting forth the specifics and facts of his claim, Plaintiff must use defendants' names rather than any generic designation in order to state a claim for relief but also to allow any defendants to respond to Plaintiff's claims. The facts must include dates as to when matters occurred. Plaintiff is expressly advised that the amended complaint supersedes the original Complaint.

IV. Conclusion

Accordingly, it is hereby

ORDERED that Plaintiff's Complaint (Dkt. 1) is **HEREBY DISMISSED** with prejudice as to all claims against Attorney Hamel for the deficiencies noted herein, and without prejudice for the remaining Unknown State Officer Defendants to allow Plaintiff to file an amended Complaint in compliance with the requirements of this Order; and it is

FURTHER ORDERED that Plaintiff's Application (Dkt. 2) is **DENIED** without prejudice, to allow Plaintiff to file an amended Application as indicated in this Order; and it is

FURTHER ORDERED that Plaintiff's Motion for a Preliminary Injunction and Motion for a Status Conference (Dkt. Nos. 6 and 7) are **DENIED as MOOT**, and it is

FURTHER ORDERED that Plaintiff file an amended application and amended complaint within fourteen (14) days of the date of this order; and it is

FURTHER ORDERED that, if Plaintiff seeks to amend the Complaint, Plaintiff is **DIRECTED** to file an amended application as indicated and an amended complaint providing a chronological, plain statement of the facts in compliance with Federal Rules of Civil Procedure 8

and 9, within fourteen (14) days of this Order. If Plaintiff fails to file an amended complaint by that date, then Plaintiff is hereby WARNED that his Complaint may be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41.

The Clerk is directed to send a copy of this Order to Plaintiff.

It is SO ORDERED.

Alexandria, Virginia
November 13, 2024

/s/ RA

Rossie D. Alston, Jr.
United States District Judge

Exhibit B: Urgent Motion for Injunction

This document underscores the petitioner's critical need for judicial intervention due to time-sensitive matters that jeopardize fundamental rights and personal security. The motion, filed in Case No. 1:24-cv-01284 (E.D. Va.), highlights *res ipsa loquitur* evidence of procedural mismanagement. Filings hand-delivered on November 13, 2024, remain undocketed, exacerbating delays and obstructing access to legal remedies.

The petitioner urgently seeks an injunction to prevent irreparable harm, including the loss of his passport, which directly impacts his ability to travel, maintain employment prospects, and defend his legal interests. The failure to timely process filings demonstrates a retaliatory administrative culture, with systemic effects evident in both the Fourth and Seventh Circuits. The petitioner argues that this pattern of neglect and obstruction violates his due process rights under the Fifth Amendment and necessitates immediate corrective action to restore judicial accountability and impartiality.

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2024 NOV 13 P 6:11

Akerman
(Plaintiff)


v.
Hanel, Williams, et al.
(Defendant)

) Civil Action No. 1:24-cv-01284
)
)
) NOTICE OF WAIVER
) OF ORAL ARGUMENT

PLEASE TAKE NOTICE that pursuant to Local Civil Rule 7, Martin Akerman,
appearing pro se, who is the Movant, hereby waives

oral argument and submits the ~~same~~ on the record and the briefs.

SS(e) MOTIONS FOR RECONSIDERATION OF DENIAL AS Moot (ECF 6, 7, 10)
November 13, 2024


(Party or Attorney Signature)
MARTIN AKERMAN
(Name Printed)

2001 NORTH ADAMS STREET, 480
(Address)

ALLINGTON, VA 22201
(Address)

makerman.jed@gmail.com
(Address)

202-656-5201
(Telephone Number)

FILED

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2024 NOV 13 PM 3:11

Martin Akerman,

Plaintiff,

V.

Case No.: 1:24-cv-01284

District Attorney Hamel,

JURY TRIAL DEMANDED

James Williams, et al,

November 13, 2024

Defendants.

MOTION FOR RECONSIDERATION OF DENIAL OF INJUNCTION

COMES NOW Plaintiff Martin Akerman, pro se, and respectfully moves this Court to reconsider the denial of his Motion for Preliminary Injunction and Status Conference. This motion is brought under Federal Rule of Civil Procedure 59(e) and is based on the following grounds:

Scheduled Hearing

The Court had previously scheduled a hearing for November 22, 2024, to address the motion for injunctive relief. This hearing was a critical opportunity for Plaintiff to substantiate his claims and address the ongoing harm caused by the Defendants' actions.

Dismissing the motion as moot deprived Plaintiff of a meaningful opportunity to present his case. Courts have held that due process requires such opportunities, particularly when urgent, irreparable harm is at issue. See *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). The absence of a hearing prevents Plaintiff from fully explaining the scope of the harm and seeking the relief necessary to prevent further injury.

Courts are required to consider a pro se litigant's ability to clarify or amend such applications before outright dismissal, especially when factual ambiguities could be easily rectified.

Procedural Fairness and Pro Se Considerations

As a pro se litigant, Plaintiff relied on the scheduled hearing to clarify and substantiate his claims. Procedural fairness requires that courts provide pro se litigants with a meaningful chance to be heard, especially when the stakes include irreparable harm. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (pro se pleadings must be held to less stringent standards).

Merits of Injunctive Relief

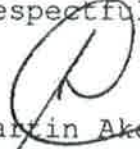
Evidence provided in support of Plaintiff's Motion for Preliminary Injunction, including payment documentation and correspondence from the Virginia Division of Child Support Enforcement, constitutes *res ipsa loquitur* evidence supporting the complaint as filed.

Plaintiff presented evidence of fraud in child support records, supported by payment documentation and official correspondence. The ongoing harm includes imminent federal enforcement penalties, such as tax refund offsets and the blocking of Plaintiff's passport by the state of Virginia. To grant injunctive relief, a plaintiff must show: (1) a likelihood of success on the merits; (2) irreparable harm; (3) that the balance of equities favors relief; and (4) that the injunction serves the public interest. See *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiff has demonstrated these factors, particularly the irreparable harm posed by the threat to his ability to travel and maintain financial stability.

Relief Sought:

Plaintiff respectfully requests this Court reconsider its denial of the Motion for Preliminary Injunction, reinstate the hearing originally scheduled for November 22, 2024, and issue an injunction to prevent the state of Virginia from blocking Plaintiff's passport and continuing to enforce fraudulent child support penalties.

Respectfully submitted,


Martin Akerman, pro se
2001 North Adams Street, Unit 440
Arlington, VA 22201
Phone: 202-656-5601
Email: makerman.dod@gmail.com

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Martin Akerman,

Plaintiff,

V.

Case No.: 1:24-cv-01284

District Attorney Hamel,

JURY TRIAL DEMANDED

James Williams, et al,


November 13, 2024

Defendants.

GHOSTWRITING CERTIFICATION AND
AFFIRMATION UNDER PENALTY OF PERJURY

I hereby certify that this motion was prepared with my own assistance and that I did not receive any substantial assistance from any attorney or legal professional in the drafting of this motion. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,


Martin Akerman, pro se
2001 North Adams Street, Unit 440
Arlington, VA 22201
Phone: 202-656-5601
Email: makerman.dod@gmail.com

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

Martin Akerman,

Plaintiff,

V.

Case No.: 1:24-cv-01284

District Attorney Hamel,

JURY TRIAL DEMANDED

James Williams, et al,

November 13, 2024

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2024, I served a copy of this Motion for Status Conference via U.S. Mail to:

Attorney General of Virginia, Jason Moyares
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219

Respectfully submitted,



Martin Akerman, pro se
2001 North Adams Street, Unit 440
Arlington, VA 22201
Phone: 202-656-5601
Email: makerman.dod@gmail.com

Exhibit C: Supporting Motion Highlighting Procedural Failures

This motion presents a detailed account of procedural deficiencies in the Eastern District of Virginia and their broader implications. Filed in Case No. 1:24-cv-01284 (E.D. Va.), the document reveals inconsistencies in docketing practices that create undue burdens for pro se litigants. The petitioner outlines specific examples, including delays in recording hand-delivered filings from November 13, 2024, which jeopardized his ability to respond to motions and assert his legal claims.

The motion emphasizes systemic failures that extend beyond the petitioner's case, reflecting a culture of administrative inefficiency and retaliation within the Fourth Circuit. These issues echo similar procedural deficiencies in the Seventh Circuit, including the misapplication of Rule 39.8, which stigmatized legitimate filings. Together, these exhibits demonstrate the interconnected nature of procedural irregularities across circuits and the urgent need for recusal to ensure the petitioner's constitutional rights are preserved.

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2024 NOV 13 P 4:11


Akerman
(Plaintiff)
v.
Hanel, Williams, et al
(Defendant)

) Civil Action No. 1:24-CV-01284
)
)
) NOTICE OF WAIVER
) OF ORAL ARGUMENT

PLEASE TAKE NOTICE that pursuant to Local Civil Rule 7, Martin Akerman,
appearing pro se, who is the Plaintiff, hereby waives

oral argument and submits the ~~case~~ on the record and the briefs.

59(e) MOTIONS FOR RECONSIDERATION OF DENIAL (ECF 10)


(Party or Attorney Signature)
MARTIN AKERMAN
(Name Printed)

2001 NORTH ADAMS STREET, 460
(Address)

ARLINGTON, VA 22201
(Address)

Makerman.dada@gmail.com
(Address)

202-652-5801
(Telephone Number)

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

2024 NOV 13 P 4:11

Martin Akerman,

Plaintiff,

V.

Case No.: 1:24-cv-01284

District Attorney Hamel,

JURY TRIAL DEMANDED

James Williams, et al,

November 13, 2024

Defendants.

MOTION FOR RECONSIDERATION OF THE ORDER

COMES NOW Plaintiff Martin Akerman, pro se, and respectfully moves this Honorable Court to reconsider its Order dated November 13, 2024, dismissing the Complaint in this matter. This motion is filed under Federal Rule of Civil Procedure 59(e) and is based on the following grounds:

Delays in Determining In Forma Pauperis (IFP) Application

The Court denied Plaintiff's IFP application due to ambiguities in spousal income and expenses. The federal IFP statute is intended to ensure that individuals are not denied access to the courts solely due to financial inability. See *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

Courts are required to consider a pro se litigant's ability to clarify or amend such applications before outright dismissal, especially when factual ambiguities could be easily rectified.

Pro Se Litigant Leniency

Courts have long held that pro se litigants are entitled to a liberal construction of their pleadings. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). While pro se litigants are not exempt from compliance with procedural rules, they should not be held to the same exacting standards as attorneys. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). The dismissal of Plaintiff's claims against Attorney Hamel with prejudice and against Unknown State Officers without specific guidance undermines the principle of fairness that governs pro se proceedings.

Merits of Plaintiff's Complaint

Evidence provided in support of Plaintiff's Motion for Preliminary Injunction, including payment documentation and correspondence from the Virginia Division of Child Support Enforcement, constitutes *res ipsa loquitur* evidence supporting the complaint as filed.


This evidence directly corroborates the allegations of fraud and procedural violations, demonstrating that the claims are grounded in specific, tangible harm rather than speculative assertions. The Court should have considered these materials as integral to evaluating the sufficiency of the Complaint and providing necessary guidance for amendment.

Furthermore, Plaintiff alleged constitutional violations under 42 U.S.C. § 1983 and the Fourteenth Amendment, including fraud and procedural violations. While *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), requires factual specificity to state a claim, the Court's duty to provide guidance in amending a pro se complaint is clear. See *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978) (holding that courts should provide guidance to pro se litigants to correct deficiencies in pleadings).

Relief Sought:

Plaintiff respectfully requests this Court reconsider its Order, reinstate the claims against all Defendants, and provide specific instructions for amending the Complaint to meet procedural requirements.

Respectfully submitted,



Martin Akerman, pro se
2001 North Adams Street, Unit 440
Arlington, VA 22201
Phone: 202-656-5601
Email: makerman.dod@gmail.com

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

Martin Akerman,

Plaintiff,

V.

Case No.: 1:24-cv-01284

District Attorney Hamel,

JURY TRIAL DEMANDED

James Williams, et al,

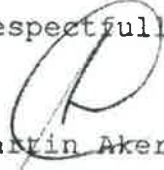
November 13, 2024

Defendants.

**GHOSTWRITING CERTIFICATION AND
AFFIRMATION UNDER PENALTY OF PERJURY**

I hereby certify that this motion was prepared with my own assistance and that I did not receive any substantial assistance from any attorney or legal professional in the drafting of this motion. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,


Martin Akerman, pro se
2001 North Adams Street, Unit 440
Arlington, VA 22201
Phone: 202-656-5601
Email: makerman.dod@gmail.com

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

Martin Akerman,

Plaintiff,

V.

Case No.: 1:24-cv-01284

District Attorney Hamel,

JURY TRIAL DEMANDED

James Williams, et al,

November 13, 2024

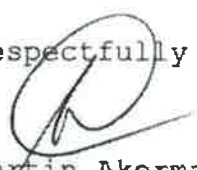
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2024, I served a copy of this Motion for Status Conference via U.S. Mail to:

Attorney General of Virginia, Jason Moyares
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219

Respectfully submitted,



Martin Akerman, pro se
2001 North Adams Street, Unit 440
Arlington, VA 22201
Phone: 202-656-5601
Email: makerman.dod@gmail.com