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JUL 30 2024

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MUS DEP CLK

MICHAEL SCOTT DAVIS and
STETSON MANSFIELD WEBSTER,

CASE NO. 5:24-cv-440-fl

PLAINTIFFS,

v.

BRIAN RATLEDGE, JENNIFER BEDFORD,
JULIE BELL, AND DAMION MCCULLERS,
IN THEIR OFFICIAL AND INDIVIDUAL
CAPACITIES AS DISTRICT COURT
JUDGES,

DEFENDANTS.

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
PURSUANT TO 42 U.S.C. § 1983, WITH MEMORANDUM OF LAW

INTRODUCTION

1. Michael Scott Davis and Stetson Mansfield Webster cause this action against Defendants Brian Ratledge, Jennifer Bedford, Julie Bell, and Damion McCullers, in their official and individual capacities as District Court Judges, under 42 U.S.C. § 1983, for serious violations of their constitutional rights as protected under the Fourteenth Amendment of the United States Constitution.
2. This action addresses systemic due process and equal protection violations within Wake County's judicial proceedings, committed by specifically focusing on procedural lapses and constitutional breaches conducted by these state officials under color of state law.

3. This action addresses systemic due process and equal protection violations within Wake County's judicial proceedings, specifically focusing on procedural lapses and constitutional breaches conducted by Judges Brian Ratledge, Jennifer Bedford, Julie Bell, and Damion McCullers under color of state law.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1343(a)(3) (civil rights and elective franchise), as this case arises under the Constitution and laws of the United States. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the events giving rise to these claims occurred within this district.

PARTIES

1. Plaintiff Michael Scott Davis (Hereafter “Plaintiff Davis” or “Mr. Davis”) is a U.S. citizen residing in Wake County, North Carolina.
2. Plaintiff Stetson Mansfield Webster (Hereafter “Plaintiff Webster” or “Mr. Webster”) is a U.S. citizen residing in Wake County, North Carolina.
3. Brian Ratledge, Jennifer Bedford, Julie Bell, and Damion McCullers are District Court Judges in Wake County, North Carolina. They are sued in both their individual and official capacities for actions taken under color of state law.

PROCEDURAL HISTORY

1. On or about February 8, 2024, Mr. Davis originally filed his complaint under case No. 5:24-CV-00059-M-RN.
2. On or about May 17, 2024, his complaint was dismissed for two reasons: Plaintiff Davis had named the wrong party as a defendant, and the court found that it lacked subject-matter jurisdiction over the dispute, as Davis appeared to be asking a federal court to review state court judgments.

3. Mr. Davis has since joined with Mr. Webster as a co-plaintiff, has named the appropriate parties in their individual and official capacities, and clarified the language to make it clear that they are not asking a federal court to review a state court judgment.

FACTUAL ALLEGATIONS: PLAINTIFF MICHAEL SCOTT DAVIS

These factual allegations are presented not to contest or review state court judgments, but to highlight the constitutional violations that occurred during the judicial proceedings.

1. Plaintiff Davis began experiencing procedural due process violations in the Wake County trial court system marked by multiyear delays between calendaring and court dates, which began escalating significantly in March 2022.
2. These violations include two findings of civil contempt without sufficient evidence, with the first resulting in immediate arrest and incarceration and the second through a ruling based on no admitted competent evidence or verification of claims.
3. The actions and rulings of court officials—including the Honorable Brian Ratledge, the Honorable Jennifer Bedford, Julie Bell, and Damion McCullers, in their individual and official capacities have perpetuated these due process violations, representing significant and systematic infringements of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

FACTUAL ALLEGATIONS: PLAINTIFF STETSON MANSFIELD WEBSTER

These factual allegations are presented not to contest or review state court judgments but to highlight the constitutional violations that occurred during the judicial proceedings.

1. Beginning on August 11, 2021, Plaintiff Webster began experiencing procedural due process violations in the Wake County trial court system.
2. These violations include one finding of civil contempt without sufficient evidence, resulting in arrest, incarceration, and long-term career damage.

3. The actions and rulings of court officials, including the Honorable Julie Bell, the Honorable Damion McCullers, and the Honorable Jennifer Bedford, acting under the color of state law, have perpetuated these due process violations. These violations represent significant and systematic infringements of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

GENERAL AFFIRMATIONS

1. **Incorporation of Factual Allegations:** All points from the 'Factual allegations: Plaintiff Stetson Mansfield Webster's section and, 'Factual allegations: Plaintiff Michael Scott Davis's section, specifically paragraphs 1 through 3, are reiterated here as foundational to the issues in this complaint.
2. **General Violations Affirmation:** Additionally, the actions of District Court Judges Brian Ratledge, Jennifer Bedford, Julie Bell, and Damion McCullers, acting in their official and individual capacities, violated Plaintiff Davis and Plaintiff Webster's right to due process, resulting in deprivation of their Fourteenth Amendment rights under the U.S. Constitution and related North Carolina statutes.
3. **General Judicial Discretion Affirmation:** The actions of District Court Judges Brian Ratledge, Jennifer Bedford, Julie Bell, and Damion McCullers had an obligation to render decisions in alignment with due process requirements guaranteed by the Fourteenth Amendment of the U.S. Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause). Adherence to these requirements ensures that judicial actions comply with Article III, Section 2 of the U.S. Constitution and uphold established legal principles, including stare decisis.
4. **NCJSC Responsibility to Investigate Affirmation:** The North Carolina Judicial Standards Commission (NCJSC) is obligated to investigate complaints of judicial misconduct as outlined in N.C. Gen. Stat. § 7A-374.1 et seq. This statute empowers the NCJSC to investigate allegations of judicial misconduct and to recommend disciplinary actions when necessary. Additionally, the principles established in *Marshall v. Lonberger*,

459 U.S. 422 (1983), underscore the fundamental due process rights that are compromised when judicial misconduct and procedural delays occur.

PLAINTIFF MICHAEL SCOTT DAVIS ALLEGATIONS

I. Civil Rights Violations Through Excessive Procedural Delays

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the ‘General Affirmations’ are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. **Background:** Delays in hearing Mr. Davis’s Rule 60(b) motion and motion to address Domestic Support issues took approximately two and four years, respectively, to be heard. These delays resulted in prejudice against the Plaintiff, including potential civil financial liabilities, criminal implications, custody issues, as well as reputational, psychological, and emotional harm.

C. Trial Court Level Attempts at Relief

1.1. Failure to Hear Motions in a Timely Fashion:

- a. The trial court failed to hear Mr. Davis’s Rule 60(b) motion within the required timeframe, violating due process requirements and causing significant prejudice to the Plaintiff.
- b. The trial court also delayed hearing Mr. Davis’s motion to address additional pending issues, further infringing upon Plaintiff’s due process rights and exacerbating the harm suffered.

D. Exhaustion of State Remedies

1.1. **State Remedies Pursued:** Plaintiff sought to address these issues through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibits D01 North Carolina Court of Appeals (hereafter “NCCOA”) Opinion; D23 (North Carolina Supreme Court (hereafter “NCSC”) Denial.

1.2. **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff’s civil rights.

- E. **Further Attempts at Relief:** Plaintiff communicated with the North Carolina Judicial Standards Commission (NCJSC) to address judicial misconduct and due process violations but was unsuccessful in obtaining relief. See Exhibit D23 (NCJSC letter and response).
- F. **Constitutional Violations:** The actions of Judge Brian Ratledge and the NCJSC represent significant and systematic infringements of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).
- G. **Conclusion:** The trial court's procedures and decisions resulted in significant civil rights violations, particularly due process infringements, necessitating judicial redress under 42 U.S.C. § 1983. Additionally, the nature, timing, and sequence of these actions suggest a potential deprivation of rights under color of law, warranting a referral to the appropriate federal authorities for investigation under 18 U.S.C. § 242. The relief sought through this complaint is exclusively aimed at addressing the constitutional violations outlined above and does not seek to review or alter any state court judgments or factual findings.

II. Civil Rights Violations: Reviewing Plaintiff's Motion to Address Prior Order Errors

- A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.
- B. **Background:** In March 2020, Plaintiff Davis filed a Rule 60(b) motion to rectify procedural errors from a 2019 trial court ruling (see Exhibit D05, Plaintiff's Rule 60(b) Motion, p.1-9). On March 2, 2022, the motion was heard and denied without providing Plaintiff appropriate opportunity to present his arguments.
- C. **Trial Court Level Attempts at Relief:**
- 1.1. **Failure to Review Evidence:**
- a. Judge Ratledge acknowledged on the record that they had not read Plaintiff's motion and would not allocate sufficient time to do so, thereby compromising Plaintiff's ability to argue additional matters. This left several potentially prejudicial findings unaddressed, similar to concerns in *Marshall v. Lonberger*, where due process is

compromised when relevant evidence is overlooked See *Marshall v. Lonberger*, 459 U.S. 422, (1983).

- b. The prejudicial findings, treated as settled facts, expose Plaintiff Davis to civil financial liabilities, criminal implications, and potential custody issues, as well as reputational, psychological, and emotional harm. Specific allegations of inappropriate conduct, if unresolved, could adversely affect Plaintiff's personal and professional life.
- c. Judge Ratledge's failure to read the motion before ruling violates due process and fairness principles, contravening 18 U.S.C. § 242 (see Exhibit D02, Permanent Custody Order) p.8, ¶45; p.11, ¶63, ¶64, ¶65; Exhibit D04, Mar. 2, 2022, T: p.8:19-22. This action mirrors issues in *Coble v. Coble*, where a clear link between evidence, legal conclusions, and judgments is essential (*Coble v. Coble*, 300 N.C. 708, 1980).

D. Exhaustion of State Remedies:

- 1.1. **State Remedies Pursued:** Plaintiff attempted to resolve these issues through state-level remedies, filing relevant motions and complaints. Despite these efforts, the violations remained unaddressed See Exhibit D01, NCCOA Order, p.5-¶3-p6 ¶1; Exhibit D03, Appellant's Brief, p.16, ¶1-2; Exhibit D04, Mar. 2, 2022, T: p. 21:1-p. 22:11; *Marshall v. Lonberger*, 459 U.S. 422, 1983; *Knight v. Miami-Dade County*, 856 F.3d 795, 11th Cir. 2017; Exhibit D22.
- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

E. **Further Attempts at Relief:** Plaintiff contacted the North Carolina Judicial Standards Commission (NCJSC) to address judicial misconduct and due process violations but did not obtain relief. See Exhibit D23 (Letter and response); N.C. Gen. Stat. § 7A-374.1 et seq.).

F. **Constitutional Violations:** The actions of Judge Brian Ratledge and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the U.S. Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

G. **Conclusion:** The trial court’s procedures and decisions led to civil rights violations, particularly due process infringements, necessitating judicial redress under 42 U.S.C. § 1983. Furthermore, the manner, timing, and sequence of these actions warrant a referral under 18 U.S.C. § 242 for deprivation of rights under color of law See *Marshall v. Lonberger*, 459 U.S. 422, 1983; *Tenth Judicial District Family Court Rules, Rule 1.3, Rule 5.1, and Rule 6*; *N.C. Gen. Stat. § 7A-374.1 et seq.* The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

III. Civil Rights Violations: Income Determinations

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the ‘General Affirmations’ are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. Background:

- 1.1. In April 2018, Plaintiff Davis filed a Motion to Modify domestic support (hereafter “MTM”).
- 1.2. On March 2, 2022, the trial court heard the motion to modify immediately following the Rule 60(b) motion.
- 1.3. Without due process, the trial court ruled that a single Executor fee paid to Plaintiff Davis was ongoing income, contradicting both New Jersey and North Carolina law.

C. Trial Court Level Attempts at Relief:

- 1.1. **Fee Misclassification:** Judge Ratledge’s decision conflicts with the statutory law of New Jersey (N.J. § 3B:18-14) and North Carolina (1998 Ann. R. N.C. 33, 34), both of which set forth the legal standards for this issue. The *Marshall v. Lonberger* decision emphasizes the role of due process in judicial decision-making See Exhibit D04, (Mar. 2, 2022) T: p.125:8 – p.126:1-2; *Marshall v. Lonberger*, 459 U.S. 422, 1983; Exhibit D07 (Trial Court Order, p.2, ¶8).

D. Exhaustion of State Remedies:

- 1.1. **Efforts Made:**

- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.
- E. **Constitutional Violations:** U.S. Const. amend. XIV; N.C. Const. art I, § 19, ('Law of the Land' clause).
- F. **Conclusion:** The trial court's ruling that a one-time executor fee was recurring income conflicts with both established New Jersey and North Carolina statutes. When the NCCOA, without due process, upheld the ruling, it breached the Plaintiff's due process rights under U.S. Const. amend. XIV and N.C. Const. art. I, § 19 ("Law of the Land" clause). This warrants remedial action under 42 U.S.C. § 1983. See *Coble v. Coble*, 300 N.C. 708, 1980; *Marshall v. Lonberger*, 459 U.S. 422, 1983; New Jersey N.J. § 3B:18-14 and *North Carolina 1998 Ann. R. N.C. 33, 34*; N.C. Gen. Stat. § 7A-374.1 et seq.). The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

IV. Civil Rights Violations: Educational Expense Determinations

- A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.
- B. **Background: Motion to Modify (MTM) Issue Two:** Judge Ratledge ruled that Plaintiff Davis was liable for certain significant financial obligations based on unsubstantiated claims, joking on the record he wasn't sure if that was what his "gut" was telling him or if he was hungry.
- C. **Trial Court Level Attempts at Relief:**
- 1.1. **Found Liable Without Evidentiary Basis:** Judge Ratledge ruled that Plaintiff Davis was responsible for substantial financial liabilities without evidence, proof, or agreement. See Exhibit D07, Trial court order p.2, ¶10; Exhibit D04 (Mar. 2, 2022) T: p.92:16-19, p.93:11-20, p.122:14-p.124:4.

- 1.2. **Evidence and Consent Due Process Error:** Other than Defendant's testimony, no evidence supported her claims, no proof proffered to or admitted by the court showing Plaintiff's agreement or any payment. Moreover, Plaintiff's statements were actively disregarded. See Exhibit D03 (Appellant's Brief p.18, ¶1); Exhibit D06 (Appellant's Support Motion), p.3-9.
- 1.3. **Reliance on a "Gut Feeling":** During the proceedings, Judge Ratledge stated on the record, "*This really comes down -- I think it's a Thales [Name of School] disagreement is what my gut is, but maybe my gut's wrong. Maybe I'm just hungry.* [Emphasis Added]."
- 1.4. **Abuse of judicial Discretion:** Judicial discretion, though broad, must still be grounded in the standards set forth in the Fourteenth Amendment of the U.S. Constitution and Article 1 of the North Carolina Constitution.
- 1.5. **Violation of Legal Standards:** The manner in which Judge Ratledge reached his decisions contravenes *Coble v. Coble*, which requires a clear link from evidence to legal conclusions to judgments, and *Knight v. Miami-Dade County*, which mandates a factual basis for judicial decisions to satisfy due process. This is a potential violation of 18 U.S.C. § 242 for deprivation of rights under color of law. See *Paragraphs 1-4 of the 'General Affirmations'*, 300 N.C. 708 (1980)); *Knight v. Miami-Dade County*, 856 F.3d 795 (11th Cir. 2017). See Exhibit D04 (Mar 2, 2022) T: p.162:25, p.163:1-2.

D. Exhaustion of State Remedies:

- 1.1. **Efforts Made:** Plaintiff attempted to address these issues through state-level remedies, filing relevant motions and complaints. Despite these efforts, all civil rights violations remained unaddressed See Exhibit D01 (NCCOA Opinion), NCCOA Order, p.15, ¶1; Exhibit D22 (NCSC Denial).
- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff Davis's civil rights.

- E. **Constitutional Violations:** The actions of state officials in the Wake County trial court system and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

F. **Conclusion:** Judge Ratledge's actions justify corrective action under 42 U.S.C. § 1983, and a criminal referral under 18 U.S.C. § 242 for deprivation of rights under color of law. See Exhibit D01(NCCOA Order), p.15, ¶1; Exhibit D04 (Mar 2, 2022) T: p.162:25, p.163:1-2); N.C. Gen. Stat. § 7A-374.1 et seq. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

V. **Civil Rights Violations: General Financial Obligation Determinations**

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. **Background: Motion to Modify (MTM) Issue Three:** In the March 2 and August 3, 2022 hearings, the trial court made several legally binding determinations through due process violations. These include conclusions without evidence and refusal to look at a notarized expense list submitted under the Rule 803(6) Business Record Exception to determine financial liability, demonstrating significant judicial overreach See Exhibit D08, Rule 803(6) Business Record Exception).

C. **Trial Court Level Attempts at Relief:**

1.1. **Neglect of Evidence and Statutes:** The March 2, 2022 rulings lacked procedural due process, misapplying and failing to follow relevant North Carolina state statutes. This contradicts *Marshall v. Lonberger*, where due process is compromised when relevant evidence is overlooked. See *Marshall v. Lonberger*, 459 U.S. 422 (1983).

1.2. **Failure to Acknowledge Key Financial Evidence** On August 3, 2022, during the Rule 59 reconsideration hearing, Judge Ratledge refused to look at or review Plaintiff's notarized business expense list, admissible under Rule 803(6) Business Record Exception. This decision contradicts both federal and state rules and is underscored in *Knight v. Miami-Dade County*, where judicial action without a factual basis is deemed to violate due process. Such action also constitutes deprivation of rights under color of law as outlined in 18 U.S.C. § 242. See *Knight v. Miami-Dade County*, 856 F.3d 795 (11th Cir. 2017); Exhibit D21 (Rule 59 Motion), p.9, ¶3(a)(e).

1.3. **Insufficient Attention to Evidence and Circumstantial Changes:** The March and August 2022 hearings neglected important changes in circumstances, failing to follow N.C.G.S. § 50-13.4(c), which requires "*due regard for*" financial situations, homemaker contributions, and "other facts of the particular case." These changes include following N.C.G.S. §50-13.10(d)(3) and § 50-13.7(a) in the judicial determination process. See *Marshall v. Lonberger*, 459 U.S. 422 (1983).

D. Exhaustion of State Remedies:

- 1.1. **Efforts Made:** Plaintiff attempted to address these issues through state-level remedies, filing relevant motions and complaints. Despite these efforts, the civil rights violations remained unaddressed See Exhibit D01 (NCCOA Opinion), NCCOA Order, p.15, ¶3-p.18; Exhibit D15 (Davis v. Law-Certificate of Indigence 2022-2023); Exhibit D08 (Rule 803(6) Business Record Exception; Exhibit D22 (NCSC Denial).
- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

E. **Further Attempts at Relief:** Plaintiff contacted the North Carolina Judicial Standards Commission (NCJSC) to address Judge Ratledge's conduct and due process violations but did not obtain relief See Exhibit D23; N.C. Gen. Stat. § 7A-374.1 et seq.

F. **Constitutional Violations:** The actions of Judge Brian Ratledge and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

G. **Conclusion:** Judge Ratledge's rulings were reached through violations of due process rights. Corrective measures under 42 U.S.C. § 1983 are warranted. The pattern of oversight, including neglect of Mr. Davis's business expense list, also warrants a referral to the appropriate federal authorities under 18 U.S.C. § 242 for deprivation of rights under color of law. See *Marshall v. Lonberger*, 459 U.S. 422 (1983) and *Knight v. Miami-Dade County*, 856 F.3d 795 (11th Cir. 2017)); N.C. Gen. Stat. § 7A-374.1 et seq. The relief sought

through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

VI. Civil Rights Violations: Motion for Sanctions

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the ‘General Affirmations’ are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. Background:

1.1. In December 2021, Plaintiff Davis filed a motion for sanctions against the opposing attorney to address improper behavior spanning several years. On April 26, 2022, the motion was heard See Exhibit D05 (Plaintiff’s Motion for Sanctions) p.1-3.

C. Trial Court Level Attempts at Relief:

1.1. **Failure to Address Sanctionable Behavior:** When Judge Ratledge denied Plaintiff Davis’s motion for sanctions against the opposing counsel’s behaviors spanning multiple years, it did so though several Fourteenth Amendment and North Carolina Article 1 (“Law of the Land” clause) due process violations. This includes overlooking relevant evidence, such as:

- a. Filing multiple continuances over a period of years to impede case resolution (willful case dilation).
- b. Filing an emergency appeal without informing Plaintiff Davis until after the NCCOA rendered a decision (procedural due process violation).
- c. Previous trial court finding dilatory (at best) or harassing (at worst) behavior directed at the Plaintiff. See Exhibit D14 (Apr. 2019 Rule 52 Trial Court Order, including Abuse of procedural tools, p.5, ¶28-30, p.6, ¶28-31, First sentence, ¶32-33; Dilatory | harassing behaviors p.6, ¶34-36).
- d. Judge Ratledge concurring with Judge Denning (the previous trial court judge) regarding Judge Denning’s assessment of dilatory | harassing behavior on the part of Stephanie Jenkins, Esq. . See Exhibit D10 (Apr. 26, 2022) T: p.37:18-22.

1.2. **Opposing Counsel’s False Claim of Judicial Bias:** During the April 26, 2022 hearing, Stephanie T. Jenkins, Esq. stated in court that she had filed a motion to recuse against the

previous presiding judge in the parties' case and then served a notice of deposition against the Plaintiff. She then implied that the judge denied her deposition request in retaliation. See Exhibit D10 (Apr 26, 2022) T: p.31:10-14. However, the record shows, in chronological order the actual order of events:

- a. **March 1, 2019:** Ms. Jenkins serves notice of deposition on Plaintiff Davis. See Exhibit D14A, p.3 ¶ 20.
- b. **March 21, 2019:** Judge Denning denies the deposition request. See Exhibit D14 (Apr. 2019 Trial Court Order), p.6 ¶33; Exhibit D14A (Defendant Motion to Recuse), p.3 ¶ 22.
- c. **April 3, 2019:** Ms. Jenkins files a Motion to Recuse on the judge. See Exhibit D14A (Defendant Motion to Recuse), p.1 ¶1.
- d. **April 22, 2019:** Judge Denning enters an order which includes addressing both issues. Within that order he refers back to the denial of deposition request. See Exhibit D14 (Apr. 2019 Trial Court Order), p.6 ¶33. Judge Denning then denies the Defendant's Motion to Recuse. See Exhibit D14 (Apr. 2019 Trial Court Order), p.7 ¶1, disposition section.

Ms. Jenkins's conduct, arguably held to a higher professional standard due to her professional oath, breached legal ethics, thus impacting the fairness and integrity of the judicial process committing a civil rights violation under 42 U.S.C. § 1983. These behaviors violate N.C.G.S. § 1A-1, Rule 7(b); U.S. Const. amend. XIV; N.C. Const. art I, § 19 ("Law of the Land" clause) and conflict with *Marshall v. Lonberger*, where due process is compromised when relevant evidence is overlooked). See Exhibit D12, (Documentation of continuances); Exhibit D09 (Appellant Brief), page p.11, ¶1; Exhibit D11 (Plaintiff's original motion), p.1, ¶2.

E. **Exhaustion of State Remedies:**

- 1.1. **Efforts Made:** Plaintiff Davis attempted to address these issues through state-level remedies, filing relevant motions and complaints. Despite these efforts, the civil rights violations remained unaddressed. See Exhibit D01 (NCCOA Opinion), NCCOA Order, p.24, ¶2; Exhibit D09, Appellant Brief, p.11, ¶1; Exhibit D22 (NCSC Denial).

- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.
- F. **Further Attempts at Relief:** Plaintiff contacted the North Carolina Judicial Standards Commission (NCJSC) to address Judge Ratledge's conduct and due process violations but did not obtain relief See Exhibit D23; N.C. Gen. Stat. § 7A-374.1 et seq.
- G. **Constitutional Violations:** U.S. Const. amend. XIV; N.C. Const. art I, § 19, ('Law of the Land' clause).
- H. **Encroachment Upon Parental Rights:** The failure to inform Mr. Davis of the emergency appeal, pivotal to his daughter's welfare and her placement in foster care, constituted a significant breach of due process, adversely affecting his parental rights. His exclusion from this process, where only the mother's perspective was presented, impaired Mr. Davis's Fourteenth Amendment rights as a father in influencing decisions regarding his child's care, custody, and control.
- Particularly given Judge Denning's findings of the mother's harmful behavior towards their child, Mr. Davis's inability to present a comprehensive account prevented the court from considering all facets of the situation, essential for decisions affecting the child's best interests. This denial of opportunity underscores a due process violation, emphasizing the need for courts to impartially assess both parents' perspectives in child welfare matters. See Exhibit D11 (Plaintiff's original motion), p.2 ¶1; Exhibit D13 (Plaintiff's Non-Timely Notification Evidence); Exhibit D14 (Apr. 2019 Rule 52 Trial Court Order); *Goss v. Lopez*, 419 U.S. 565 (1975); *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Troxel v. Granville*, 530 U.S. 57 (2000); U.S. Const. amend. XIV; N.C. Const. art I, § 19 ('Law of the Land' clause).
- I. **Conclusion:** The pattern of actions and rulings of court officials acting under color of state law failing to follow the directives of U.S. Const. amend. XIV; N.C. Const. art I, § 19, ('Law of the Land' clause); and *Paragraphs 1-4 of the 'General Affirmations'* (Clear link from evidence to legal conclusions to judgements) require corrective measures under 42 U.S.C. § 1983. The unaddressed behavior of the Court also appropriately warrants a potential referral under 18 U.S.C. § 242. See *Marshall v. Lonberger*, 459 U.S. 422 (1983)

); N.C. Gen. Stat. § 7A-374.1 et seq. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

VII. **Civil Rights Violations: Sanctions Hearing Trial and Appellate Court Misconduct**

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the ‘General Affirmations’ are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. **Background:** During the sanctions hearing, Mr. Davis encountered several procedural due process violations by Judge Ratledge, acting in his capacity as a court official acting under color of state law. These included the failure to consider an amended motion for sanctions, denial of a motion to continue, and a substantial reduction in allotted hearing time.

C. **Trial Court Level Attempts at Relief:**

1.1. **Amended Motion for Sanctions Ignored:** On or about January 13, 2022 Plaintiff Davis filed an amended motion for sanctions, due to additional behaviors by the opposing counsel. The motion was not heard. This contradicts *Marshall v. Lonberger* (Due process is compromised when relevant evidence is overlooked). See Exhibit D11A (Amended Motion for Sanctions).

1.2. **Motion to Continue Denial:** Plaintiff Davis filed his first ever motion to continue with the court without the other party's consent in reaction to the opposing counsel's ongoing misconduct since his original filing. It was DENIED by Judge Ratledge. See Exhibit D10 (Apr 26, 2022) T: p.4:11-p.7:4, First sentence.

1.3. **Time Compression:** Judge Ratledge reduced the hearing time from three hours to one as well as preventing Plaintiff Davis from presenting numerous issues which had taken place over several years. See Exhibit D10 (Apr 26, 2022) T: p.7:18-p.8:5.

a. **Restrictions on Self-Representation:** Judge Ratledge impeded Plaintiff Davis’s ability to present his case, this denying due process in several ways—including restricting access to essential notes and evidence during proceedings. In one particular instance, the stated reason was due to Plaintiff Davis misspelling the word “*Plaintiff*”. See Exhibit D10 (Apr 26, 2022) T: p.30:6-14, First line. These issues echo *Goss v.*

Lopez, where the Supreme Court highlighted due process in schools, relevant to a litigant's fair case presentation in court. See Exhibit D10 (Apr 26, 2022) T: p.17:19-p.18:21; p.30:6-14; *Marshall v. Lonberger*, 459 U.S. 422 (1983); *Goss v. Lopez*, 419 U.S. 565 (1975).

- 1.4. **Failure to Consider Past Court Findings:** Judge Ratledge failed to address any sanctionable conduct, including dilatory behavior which even he himself acknowledged. See Exhibit D14 (Apr. 2019 Rule 52 Trial Court Order), p6, ¶36 and observations from the sanctions hearing Exhibit D10 (Apr 26, 2022) T: p.37:19-23.

D. Exhaustion of State Remedies:

- 1.1. **Efforts Made:** Plaintiff Davis attempted to address these issues through state-level remedies, filing relevant motions and complaints. Despite these efforts, the civil rights violations remained unaddressed. See Exhibit D01 (NCCOA Opinion), NCCOA Order, p.24, ¶2; Exhibit D09, Appellant Brief, p.11, ¶1; Exhibit D22 (NCSC Denial).
- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

E. **Further Attempts at Relief:** Plaintiff contacted the North Carolina Judicial Standards Commission (NCJSC) to address Judge Ratledge's conduct and due process violations but did not obtain relief See Exhibit D23; N.C. Gen. Stat. § 7A-374.1 et seq

F. **Constitutional Violations:** The actions of Judge Brian Ratledge and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

G. **Conclusion:** Judge Ratledge's failure to follow procedural due process in its findings, determinations, and caselaw—for example, *Paragraphs 1-4 of the 'General Affirmations'*, where a clear link from evidence to legal conclusions to judgments is required—violated the Plaintiff's constitutional rights under 42 U.S.C. § 1983, warranting remedial measures in accordance with due process standards. See *Paragraphs 1-4 of the 'General Affirmations'*, 300 N.C. 708 (1980); *Marshall v. Lonberger*, 459 U.S. 422 (1983); N.C.

Gen. Stat. § 7A-374.1 et seq. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

VIII. **Due Process Violations: First Civil Contempt Finding and Punitive Incarceration in Absence of Evidence (Oct. 7, 2022)**

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the ‘General Affirmations’ are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. **Background:** After the Plaintiff's Rule 59 reconsideration hearing for sanctions against the Defendant was scheduled, a Show Cause/Contempt hearing was also added to the docket at the request of Stephanie T. Jenkins (counsel for opposing party). Both hearings were set for the same date and time on October 7, 2022. The contempt hearing was conducted immediately following the Rule 59 hearing on October 7, during which Judge Ratledge did not address the Plaintiff's previously filed motions for protective orders. The lack of financial records resulted in the court finding Plaintiff Davis in civil contempt, informing him of a purge amount plus \$1,000 in attorney's fees, contradicting *Baxley v. Jackson* (attorney's fees are not generally awarded in civil contempt findings) and ordering immediate arrest and incarceration.

C. **Trial Court Level Attempts at Relief**

1.1. **Privacy and Due Process Violation:** During the proceedings, Judge Ratledge did not provide a response to the requests to rule on the Plaintiff's filed motions for protective orders. The subsequent lack of ruling on the sought-to-be-protected information constituted a violation of his Fourteenth Amendment rights. Further, by issuing a willful contempt ruling without supporting evidence, Judge Ratledge/ conduct breached Mr. Davis's Fourteenth Amendment rights to due process, contradicting precedent established in *Knight v. Miami-Dade County* (Judicial action without factual basis violates due process). See Exhibit D17 (Trial court order); *Knight v. Miami-Dade County*, 856 F.3d 795 (11th Cir. 2017).

1.2. **Denial of Procedural Due Process:**

- a. On record, Ms. Jenkins acknowledged that she did not schedule a motion to compel before the hearing. Rather than requesting a continuance or supporting Plaintiff Davis's request for due process in adjudicating protective orders, she proceeded with the hearing. This approach, prioritizing immediate case progress over due process, represents an indisputable deviation from the professional oath and responsibilities of an officer of the court, which include upholding federal and state constitutions. See Exhibit D16 (Oct. 7 2022) T: p.30:21, 23-24, p.32:2-15.
- b. The Plaintiff's court appointed counsel, Mr. Ryan Short, twice drew attention to Judge Ratledge's requirement to follow due process (adjudicating the protective orders before ruling) which follows U.S. Const. amend. XIV, N.C. Const. art I, § 19, ('Law of the Land' clause) as well as Paragraphs 1-4 of the 'General Affirmations' (A clear link from evidence to legal conclusions to judgments). See Exhibit D16 (Oct. 7, 2022) T: p.45: 2-8,21.
- c. Judge Ratledge's actions throughout the hearing and its indifference to the difficulties its own actions caused in Plaintiff's ability to comply conflict with Ex Parte Werblud "*...civil contempt is to be coercive, not punitive*" and Hicks v. Feiock "*...criminal penalties may not be imposed on someone who has not been afforded the protections that the Constitution requires of such criminal proceedings*". These behaviors demonstrate a violation of 18 U.S.C. § 242 (Deprivation of rights under color of law). See Exhibit D16 (Oct. 7 2022) T: p.49:15–p.53:14; *Ex Parte Werblud*, 536 S.W.2d 542 (Tex. 1976); *Paragraphs 1-4 of the 'General Affirmations'*, 300 N.C. 708 (1980); *Hicks v. Feiock*, 485 U.S. 624 (1988).
- d. This sequence of events suggest malice and personal bias, contributing to a broader context of due process violations under 18 U.S.C. § 242. See Exhibit D16 (Oct. 7 2022) T: p.49:15-25.

D. Exhaustion of State Remedies:

- 1.1. **Efforts Made:** Plaintiff Davis attempted to address these issues through state-level remedies, filing relevant motions and complaints. Despite these efforts, the civil rights violations remained unaddressed.

- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.
- E. **Further Attempts at Relief:** Plaintiff contacted the North Carolina Judicial Standards Commission (NCJSC) to address Judge Ratledge's conduct and due process violations but did not obtain relief See Exhibit D23; N.C. Gen. Stat. § 7A-374.1 et seq.
- F. **Constitutional Violations:** The actions of Judge Brian Ratledge and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).
- G. **Conclusion:** The trial court's procedures and decisions led to civil rights infringements, particularly violating due process rights, necessitating judicial redress under 42 U.S.C. § 1983. In addition; the manner, timing, and sequence also warrant a referral to the appropriate federal authorities under 18 U.S.C. § 242 for deprivation of rights under color of law; N.C. Gen. Stat. § 7A-374.1 et seq. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

IX. **Second Civil Contempt Finding Without Proper Evidentiary Foundation (Oct. 6, 2023)**

- A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.
- B. **Background:** The trial court found Mr. Davis to be in willful contempt, basing conclusions on the Plaintiff's ability to meet the ordered domestic support amount on unsubstantiated conclusions and an unverified, single-page spreadsheet which was never admitted into the record while disregarding contrary evidence. See Exhibit D19, (Oct. 6 2023 Trial Court Order).
- C. **Trial Court Level Attempts at Relief:**

- 1.1. **Reliance on Unverified and Unadmitted Spreadsheet:** The Honorable Jennifer Bedford's ruling was substantially based on an unverified and unadmitted spreadsheet document. By relying on this document as a significant basis for its decision, Judge Bedford violated the rules of evidence, including N.C. Gen. Stat. § 8C-1, Rule 402 and Fed. R. Evid. Rule 402, which mandate the general admissibility of relevant evidence. Additionally, Judge Bedford failed to meet authentication requirements as per N.C. Gen. Stat. § 8C-1, Rule 901 and Fed. R. Evid. Rule 901. This approach constitutes a clear violation of the due process clause of the U.S. Const. amend. XIV and the "Law of the Land" clause in N.C. Const. art I, § 19.
- 1.2. **Omission of Properly Filed and Admitted Evidence:** The lack of due process is further highlighted by Judge Bedford's failure to consider the evidence presented by Mr. Davis, conflicting with the principles established in *Marshall v. Lonberger*, which recognizes that overlooking relevant evidence violates due process. See Exhibit D20 (Plaintiff Davis's Motion for Court Supervision)
- 1.3. **Combined Effect of These Issues:** These issues seriously cast doubt on the validity of the order's legitimacy, set in *Knight v. Miami-Dade County* (Judicial action without factual basis violates due process).
- 1.4. **Two Different Hearings, Judges, and Appointed Attorneys, Same Lack of Due Process in Determinations** In the 2022 and 2023 hearings, a recurring pattern of due process violations emerged, involving different judges, Both Judge Ratledge and Judge Bedford and two different appointed attorneys. In 2022, the Plaintiff's appointed attorney Mr. Ryan Short twice highlighted the need to rule on the filed protective orders before deciding on willful contempt. In 2023, Plaintiff's appointed attorney Mr. Grey Powell twice emphasized the need to validate the financial claims made by the opposing counsel before rendering a similar decision. In both instances, the court failed to do so. So, it has come down to different hearings, judges, and attorneys, but the same decisions arrived at without due process, causing unjustified harm. Additionally, the court assessed attorney fees, this time amounting to \$4,070, further magnifying the injury. See Exhibit D18 (Oct. 6, 2023) T:50: 14-16, 61:18-22.

D. Exhaustion of State Remedies:

- 1.1. **Efforts Made:** Plaintiff Davis attempted to address these issues through the state-level remedies available to him, including filing relevant motions and complaints. Despite these efforts, the civil rights violations remained unaddressed.
- 1.2. **Necessity of Federal Intervention:** Due to the failure of state remedies to rectify the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.
- E. **Constitutional Violations:** The actions of Judge Jennifer Bedford and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).
- F. **Overstepping Bounds of Judicial Discretion:** While judicial discretion is afforded considerable latitude, it still requires an evidentiary foundation for decisions, again as established in the Fourteenth Amendment to the U.S. Constitution and North Carolina Constitution, which ensure due process in legal proceedings, reinforced by the principles of stare decisis.
- G. **Conclusion:** Judge Bedford's conduct and decisions led to civil rights infringements, particularly violating due process rights, necessitating judicial redress under 42 U.S.C. § 1983. Additionally, the manner, timing, and sequence of these actions warrant a referral to the appropriate federal authorities for investigation under 18 U.S.C. § 242 for deprivation of rights under color of law. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

PLAINTIFF STETSON MANSFIELD WEBSTER ALLEGATIONS

I. Civil Rights Violations Through Procedural and Constitutional Errors

- A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. Background:

- 1.1. **Interlocutory Order:** The court issued an interlocutory order without specifying a time duration, extending the period indefinitely. This deprived Plaintiff Webster of the ability to contest the interlocutory nature of the obligation effectively. See Exhibit W01.
- 1.2. **Alimony Trial Delays:** The alimony trial was originally set to be heard on December 7, 2021. Despite Plaintiff Webster's protests, the other party was given latitude to move the date without a motion or even an order to continue. The court repeatedly postponed the alimony trial, leaving the postseparation support order in effect for an extended period. See Exhibit W09.
 - a. On 27 September 2021, an Order confirmed a scheduled alimony hearing for 07 December 2021, but this hearing was subsequently removed from the calendar without explanation. Multiple motions to reconsider and expedite were filed, along with calendar requests, but these were either left unaddressed or rejected due to objections from the opposing party. See Exhibit W26 (Judicial Complaint).
 - b. The opposing counsel's paralegal confirmed their intent to hear both ED and alimony cases on 07 December 2021, consistent with the court's previous orders. However, the court accepted the opposing party's subsequent objection to scheduling the hearing for that date without providing a rationale.
- 1.3. **Contempt Proceedings:**
 - a. Plaintiff Webster's former spouse initiated a contempt action against Plaintiff Webster by filing a motion for an order to show cause and a motion for contempt on April 6, 2022.
 - b. The case was tried before the Honorable Damion McCullers during the August 26, 2022 session of the Family District Court of Wake County.
 - c. Plaintiff Webster, representing himself pro se, was tried in a bench trial for willful contempt of the court's amended order entered on September 30, 2021. See Exhibit W01 (Amended Order).
 - d. The court found Plaintiff Webster in willful contempt, and a Judgment and Order was entered on September 26, 2022. See Exhibit W02 (Judgment and Order).
- 1.4. **Alimony Order Delays:**

- a. The North Carolina Family Court Advisory Committee (NCFCAC) established case management plan aims for the just, fair, and timely resolution of cases. According to the NCFCAC, 90% of alimony claims should have an order entered within 270 days of a claim, approximately by October 16, 2020. They further advise that 100% of claims should be ordered within 365 days, approximately by January 19, 2021. See Exhibit W27, p. 8.
- b. However, an alimony order was not entered until April 8, 2024, under Plaintiff Webster's protests. This delay resulted in the alimony order being entered in 1,540 days, more than four times the advised duration. The alimony trial was eventually heard more than a year after the initial scheduled date, and a ruling was made more than a year after the hearing date. This extensive delay highlights significant procedural misconduct and a failure to adhere to established guidelines for timely case management.

C. Trial Court Attempts at Relief:

1.1. Contempt Judgment and Insufficient Evidence:

- a. The court found Plaintiff Webster in willful contempt, and a Judgment and Order was entered on September 26, 2022, despite Plaintiff Webster complying with the original order, and there being no mortgage payments to be reimbursed. The trial court erroneously found Plaintiff Webster in contempt without sufficient supporting evidence, relying primarily on the testimony of Plaintiff Webster's former spouse. See Exhibit W02 (Judgment and Order).

1.2. Rule 59 Motion to Reconsider:

- a. The plaintiff filed a timely Rule 59 Motion to Reconsider, which was not heard before his arrest. See Exhibits W03 (Rule 59 Motion), W04 (Rule 62 Motion). The trial court's failure to hear Plaintiff Webster's Rule 59 Motion to Reconsider before taking him into custody for civil contempt denied him the opportunity to have his arguments heard and reviewed, thereby violating his constitutional right to due process.
- b. Plaintiff Webster presented evidence indicating compliance with the court's directives, which the trial court failed to acknowledge. This failure interfered with Plaintiff Webster's right to defend himself.
- c. The court did not consider Plaintiff Webster's Rule 59 Motion to Reconsider, which included evidence of compliance and other inconsistencies, before taking him into

custody for civil contempt. The court refused to calendar the Rule 59 Motion without the other party's consent, affecting Plaintiff Webster's ability to seek reconsideration as is his right. See Exhibit W05 (Motion Correspondence).

C. Exhaustion of State Remedies

Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibits W01 (Amended Order), W02 (Judgment and Order), W03 (Rule 59 Motion), W04 (Rule 62 Motion), Exhibit W06 (Order Denying Stay), W07 (Order Denying Stay), Exhibit W08 (Appeal Opinion).

1.1. **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

D. Constitutional Violations: The actions of Judges Damion McCullers and Julie Bell and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

E. Conclusion: The decision by Judges Damion McCullers and Julie Bell to find Plaintiff in willful contempt without due process constitutes more than an error; it represents a violation of 42 U.S.C. § 1983 and 18 U.S.C. § 242 for the deprivation of rights under color of law.

1.1. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

II. Judicial Inaction and Denial of Due Process Rights Under the 14th Amendment

A. General Affirmations Incorporation: Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. Background:

- 1.1. On 20 November 2023, Plaintiff Webster filed a motion to prompt the court to finalize eleven pending orders without further hearing. See Exhibit W10 (Motion to Finalize Orders). The court never responded to this motion. In response, Plaintiff Webster filed a writ of mandamus on 27 March 2024 to compel the court to adjudicate the motion and enter the overdue orders. See Exhibit W11 (Writ of Mandamus). The writ of mandamus was dismissed without prejudice after two months, with the court instructing Plaintiff Webster to refile in 60 days with copies of the filed motions not ruled upon. See Exhibit W12 (Court Instructions). The ongoing delays and pending rulings have significantly interfered with Plaintiff Webster's employment opportunities, as potential employers remain concerned that Plaintiff Webster faces imminent arrest. This concern has resulted in lost job opportunities and ongoing financial and professional hardship.
- 1.2. On 14 September 2022, the Court decided to issue a protective order to produce the evidence that Plaintiff Webster had demanded. More than a year later, on 1 March 2024, the Court finally entered a protective order for its exclusive control of the evidence, barring Plaintiff Webster from access. On the same day, the Court also entered an order compelling Defendant to comply with its order to produce this evidence (to the court). See Exhibit W13 (Protective Order) and W13a (Order to Compel).
- 1.3. The court's failure to provide Plaintiff Webster with a status update on his former spouse's compliance with the court's order and access to forensic data, as requested in his motion filed on April 23, 2024, impinges upon his procedural due process rights under the 14th Amendment. See Exhibit W14. This denial prevents Webster from accessing critical materials necessary for his defense, thus violating his right to be heard in a fair legal process.
- 1.4. **Trial Court Level Attempts at Relief:**
 - a. **Failure to Respond to Motion:** The court failed to respond to Plaintiff Webster's motion to finalize eleven pending orders.
 - b. **Delayed Issuance of Orders:** The court significantly delayed issuing orders for hearings conducted as early as 14 September 2022. See Tenth Judicial District Family Court Rules, Rule 1.3 and Rule 6.

- c. **Dismissal of Writ of Mandamus:** The court dismissed Plaintiff Webster's writ of mandamus without addressing the substantive issues of delayed orders, thus depriving him of his ability to properly defend himself in court.
- d. **Failure to Provide Evidence:** The court has continually denied access to evidence critical to Plaintiff Webster's case. See Exhibits W13 (Protective Order) and W13a (Order to Compel).
- e. **Failure to Respond to Requests for Compliance:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibit W08 (NCCOA Opinion 22-975).

C. **Exhaustion of State Remedies**

- a. **State Remedies Pursued:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See W10 (Motion to Finalize Orders), W11 (Writ of Mandamus), W08 (NCCOA Opinion 22-975)
- b. **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

D. **Constitutional Violations** The actions of state officials in the Wake County trial court system and the NCJSC constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

E. **Conclusion:**

- 1.1. The trial court's failure to respond to the motion to finalize pending orders and the dismissal of the writ of mandamus without addressing the substantive issues of delay violated Plaintiff Webster's due process rights.
- 1.2. The court's continued denial of access to critical evidence and failure to respond to compliance requests further violate Plaintiff Webster's due process rights. The appellate court's lack of intervention exacerbates these violations.

- 1.3. The willful deprivation of these rights under color of law necessitates corrective measures under 42 U.S.C. § 1983 and a criminal investigation under 18 U.S.C. § 242. The pattern of conduct observed in this case underscores the systemic nature of these violations.
- 1.4. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

III. Civil Rights Violations Through Procedural Due Process Violations

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the ‘General Affirmations’ are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. **Background:**

- 1.1. The trial court judge made changes to an existing court order regarding the care and responsibility of minor children. This order was entered based on a single court officer’s testimony while also failing to admit properly proffered competent contradictory evidence by Plaintiff Webster. This came after a formal hearing was held on the matter, despite the lack of evidence showing any significant changes in the conditions that led to the original decision. This raises concerns about procedural fairness and due process, as standard legal procedures typically require substantial changes in circumstances to justify such modifications.
- 1.2. On August 27, 2021, the trial court issued a temporary order modifying an existing permanent order based on a single court officer’s report without either party or the court officer seeking such relief. See Exhibit W15 (Temporary Custody Order).
- 1.3. **Trial Court Level Attempts at Relief:**
 - a. **Unsupported Findings and Exclusion of Evidence:** The trial court made factual findings that were unsupported by substantial evidence and failed to consider crucial evidence offered by Plaintiff Webster. See Exhibit W15 (Temporary Custody Order).
 - b. **Modification Without Substantial Change in Circumstances:** The order was modified based on a single court officer’s report, which raised previously known issues without

demonstrating a substantial change affecting the child's welfare. See Exhibit W15 (Temporary Custody Order).

- c. No Motion Filed: The court modified the order without a motion from either party, violating N.C. Gen. Stat. § 50-13.7(a). See Exhibit W16 (Statute).
- d. Improper Sua Sponte Action: The court acted sua sponte in modifying the permanent custody order, contrary to established case law prohibiting such actions without a formal motion. *Jackson v. Jackson*, 192 NC App 455 (2008).

C. Exhaustion of State Remedies

- a. **State Remedies Pursued:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibit W17 (NCCOA Opinion 22-976).
- b. **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

D. **Constitutional Violations:** The actions of Judge Julie Bell constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

E. Conclusion:

- 1.1. The trial court's failure to respond to the motion to finalize pending orders and the dismissal of the writ of mandamus without addressing the substantive issues of delay violated Plaintiff Webster's due process rights. The court's continued denial of access to critical evidence and failure to respond to compliance requests further violate Plaintiff Webster's due process rights. The appellate court's lack of intervention exacerbates these violations.
- 1.2. The trial court's modification of the permanent custody order without a motion for modification and without finding a substantial change in circumstances constituted an abuse of discretion and violated Plaintiff Webster's due process rights, warranting corrective measures under 42 U.S.C. § 1983 and a referral to the appropriate federal authorities under 18 U.S.C. 242.

- 1.3. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

IV. Trial Court's Procedural and Constitutional Errors

A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

B. **Background:**

- 1.1. Plaintiff Webster filed a Complaint for Equitable Distribution on or around January 16, 2020. The North Carolina Family Court Advisory Committee's (NCFCAC) established case management plan aims for the just, fair, and timely resolution of cases and stipulates that 90% of Equitable Distribution claims should have an order entered within 270 days of a claim, approximately by October 16, 2020. Furthermore, the plan requires that the assigned judge have a Final Pretrial Conference no later than 240 days after the first equitable distribution claim is filed. The NCFCAC advises that 100% of claims should be ordered within 365 days, approximately by January 18, 2021. See Exhibit W27, p. 8 (NCFCAC).
- 1.2. During the trial, the court admitted a contested agreement into evidence despite Plaintiff Webster's objections regarding its authenticity. See Exhibit W18a and W18b (ED Trial Transcript). Plaintiff Webster argued that the document was fraudulent, misrepresented his identity and assets, and contained provisions that violated state public policy. The trial court accepted the agreement as valid and based much of its ruling on this document, effectively binding Plaintiff Webster to its terms. See Exhibit W19 (Order for Equitable Distribution).
- 1.3. The trial court determined that IRS debts incurred during the marriage were Plaintiff Webster's separate responsibility. This determination was made based on Defendant's testimony without proper supporting documentation, despite the fact that the parties had filed jointly for the relevant tax years. This order deprived Plaintiff of his due process rights by imposing financial liability without sufficient evidence. See Exhibit W19 (Order for Equitable Distribution).

- 1.4. The trial court awarded Plaintiff Webster a financial amount without providing a transparent calculation or independent verification of the figures, relying solely on submissions from Defendant's counsel. This lack of transparency and independent assessment deprived Plaintiff Webster of due process rights. See Exhibit W19 (Order for Equitable Distribution).

C. Trial Court Level Attempts at Relief:

- 1.1. **Excessive Delay in Hearing and Issuing Orders:** Plaintiff Webster's Equitable Distribution claim was continued due to COVID-19 and was finally set to be heard on December 7, 2021. The final pretrial conference was rushed on the same day, contrary to NCFCAC guidelines. The time between the hearing and the issuance of the order was 240 days, with the final order issued on August 4, 2022, which was 927 days after the claim was filed. See Exhibit W27, p. 8 (NCFCAC).
- 1.2. **Failure to Verify Authenticity and Improper Findings:** The trial court did not properly verify the authenticity of the post-nuptial agreement despite significant discrepancies raised by Plaintiff Webster and relied on this document for findings that influenced the final ruling. See Exhibits W18a and W18b (ED Trial Transcript); Exhibit W19 (Order for Equitable Distribution).
- 1.3. **Improper Enforcement of Agreement:** The trial court enforced an agreement that allegedly contravenes North Carolina public policy, which generally discourages agreements that incentivize or facilitate the dissolution of marriage. See NCGS § 52-10.1; *Small v. Small*, 107 N.C. App. 474, 420 S.E.2d 678 (1992).
- 1.4. **Failure to Assess Legal Validity:** The trial court did not critically assess the legal validity of the post-nuptial agreement's terms within the context of state public policy constraints.
- 1.5. **Insufficient Evidence and Procedural Fairness Violation:** The trial court based its decision on Defendant's unsubstantiated claims, disregarding the joint tax filing status and failing to verify the alleged seizure of her tax refunds. This failure to require evidence deprived Plaintiff Webster of his due process rights. Additionally, the trial court failed to provide a clear and adequate explanation for the financial award, relying solely on unverified figures provided by Defendant's counsel, further violating procedural fairness. See Exhibit W19 (Order for Equitable Distribution); *Coble v Coble*, 300 N.C. 708, 268 S.E.2d 185 (1980).

D. Exhaustion of State Remedies:

- a. **State Remedies Pursued:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibits W17 (NCCOA Opinion 22-976); Exhibit W20 (NCCOA Opinion 22-977); Exhibit W27 (NCFCAC Guidelines).
- b. **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

E. **Constitutional Violations:** The actions of Judge Julie Bell constitute significant and systematic violations of the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution ("Law of the Land" clause).

F. Conclusion:

- 1.1. The trial court's failure to timely hear and resolve Plaintiff Webster's Complaint for Equitable Distribution, as stipulated by the NCFCAC guidelines, infringes upon Plaintiff Webster's due process and fair trial rights. The willful deprivation of these rights under color of law warrants corrective measures under 42 U.S.C. § 1983 and necessitates a review of procedural conduct to prevent future violations.
- 1.2. The trial court's acceptance and enforcement of a potentially fraudulent post-nuptial agreement without ensuring its authenticity and alignment with public policy compromised due process. These actions warrant corrective measures under 42 U.S.C. § 1983 and warrant a referral to the appropriate federal authorities for investigation under 18 U.S.C. § 242 for deprivation of rights under color of law. Further legal scrutiny is required to determine the enforceability of such agreements, ensuring compliance with state law and constitutional protections.
- 1.3. The trial court's modification of the permanent custody order without a motion for modification and without finding a substantial change in circumstances constituted an abuse of discretion and violated Plaintiff Webster's due process rights, warranting corrective measures under 42 U.S.C. § 1983 and a referral to the appropriate federal authorities for investigation under 18 U.S.C. 242.

- 1.4. The trial court's opaque and unverified calculation of the financial award violated due process rights, warranting review under 42 U.S.C. § 1983. See Exhibit W19 (Order for Equitable Distribution); see also Paragraphs 1-4 of the 'General Affirmations', 300 N.C. 708, 268 S.E.2d 185 (1980) (emphasizing the necessity of transparency and fairness).
- 1.5. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

V. **Procedural Misconduct and Gatekeeper Order Related Due Process Violations**

- A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.
- B. **Background:** On 28 April 2023, the Wake County District Court issued a gatekeeper order against Plaintiff Webster, who was proceeding pro se. This order required Plaintiff Webster to obtain attorney certification before filing any further motions or pleadings for 12 months. Although the gatekeeper order has since expired, it remains an important case history illustrating the court's potentially retaliatory actions when confronted with due process concerns. See Exhibit W23 (Gatekeeper Order).

C. **Trial Court Level Attempts at Relief**

1.1 **Selective Case History Review:**

- a. The gatekeeper order was based on selective examples of Plaintiff Webster's litigation history, rather than a consistent pattern of vexatious litigation. See Exhibit W24 (Order Denying Stay).
- b. The court's reliance on outdated case history failed to provide a comprehensive view, violating principles established in *Safir v. United States Lines Inc.*, 792 F.2d 19 (2d Cir. 1986).

- 1.2 **Misrepresentation of Calendar Misconduct:** One of the court's cited reasons for the gatekeeper order was Plaintiff Webster's alleged misconduct in calendaring a Motion for Return of Separate Property to be heard after the Equitable Distribution was heard. The court presented this as an example of Plaintiff Webster repeatedly trying to relitigate its

rulings and causing confusion. However, during the Equitable Distribution hearing, Plaintiff Webster was directed to calendar these items to be heard separately. The official court transcript confirms this directive, showing a pattern of selective and misleading curating of Plaintiff's motions by the court.

- 1.3 **Delayed Issuance of Orders:** The trial court significantly delayed issuing a protective order for critical evidence, impeding Plaintiff Webster's ability to present his case. See Exhibits W12 (Writ of Mandamus Dismissal), W13 (Protective Order), W13a (Order to Compel) and W14 (Status On Def's Compliance Release Or Inspection Of Docs And Adverse Inference).
- 1.4 **Ignoring Concurrent Motions:** The court failed to address Plaintiff Webster's concurrent motions, constituting a violation of due process principles
- 1.5 **Broad and Overreaching Order:** The gatekeeper order was not narrowly tailored to the specific circumstances, contrary to guidance from *Cromer v. Kraft Foods North American, Incorporated*, 390 F.3d 812 (4th Cir. 2004). It imposed overly broad restrictions, inhibiting Plaintiff Webster's ability to file necessary motions, including those to address ongoing violations and contempt by the Respondent. See Exhibit W22 (Order Continuing Plaintiff's Order to Show Cause).

D. Exhaustion of State Remedies:

- 1.1 **State Remedies Pursued:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibit W25 (Writ Denial Order).
- 1.2 **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff Webster's civil rights.

E. **Constitutional Violations:** 14th Amendment of the United States Constitution as well as North Carolina Constitution, Article I, § 19 ('Law of the Land' clause).

F. Conclusion:

- 1.1. Although the gatekeeper order has expired, its issuance and the surrounding circumstances highlight a pattern of deliberate and potentially retaliatory actions by the court when confronted with due process concerns.

- 1.2. The ongoing delay in issuing a protective order for hard drive evidence further illustrates the procedural and constitutional violations Plaintiff Webster has faced.
- 1.3. These actions warrant corrective measures under 42 U.S.C. § 1983 to address the deprivation of Plaintiff Webster's rights and a potential criminal investigation under 18 U.S.C. § 242 to ensure accountability for the willful deprivation of constitutional rights.
- 1.4. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

G. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.

H. **Background:** On 28 April 2023, the Wake County District Court issued a gatekeeper order against Plaintiff Webster, who was proceeding pro se. This order required Plaintiff Webster to obtain attorney certification before filing any further motions or pleadings for 12 months. Although the gatekeeper order has since expired, it remains an important case history illustrating the court's potentially retaliatory actions when confronted with due process concerns. See Exhibit W23 (Gatekeeper Order).

I. **Trial Court Level Attempts at Relief**

1.6 **Selective Case History Review:**

- c. The gatekeeper order was based on selective examples of Plaintiff Webster's litigation history, rather than a consistent pattern of vexatious litigation. See Exhibit W24 (Order Denying Stay).
- d. The court's reliance on outdated case history failed to provide a comprehensive view, violating principles established in *Safir v. United States Lines Inc.*, 792 F.2d 19 (2d Cir. 1986).

1.7 **Misrepresentation of Calendar Misconduct:** One of the court's cited reasons for the gatekeeper order was Plaintiff Webster's alleged misconduct in calendaring a Motion for Return of Separate Property to be heard after the Equitable Distribution was heard. The court presented this as an example of Plaintiff Webster repeatedly trying to relitigate its

rulings and causing confusion. However, during the Equitable Distribution hearing, Plaintiff Webster was directed to calendar these items to be heard separately. The official court transcript confirms this directive, showing a pattern of selective and misleading curating of Plaintiff's motions by the court.

- 1.8 **Delayed Issuance of Orders:** The trial court significantly delayed issuing a protective order for critical evidence, impeding Plaintiff Webster's ability to present his case. See Exhibits W12 (Writ of Mandamus Dismissal), W13 (Protective Order), W13a (Order to Compel) and W14 (Status On Def's Compliance Release Or Inspection Of Docs And Adverse Inference).
- 1.9 **Ignoring Concurrent Motions:** The court failed to address Plaintiff Webster's concurrent motions, constituting a violation of due process principles
- 1.10 **Broad and Overreaching Order:** The gatekeeper order was not narrowly tailored to the specific circumstances, contrary to guidance from *Cromer v. Kraft Foods North American, Incorporated*, 390 F.3d 812 (4th Cir. 2004). It imposed overly broad restrictions, inhibiting Plaintiff Webster's ability to file necessary motions, including those to address ongoing violations and contempt by the Respondent. See Exhibit W22 (Order Continuing Plaintiff's Order to Show Cause).

J. Exhaustion of State Remedies:

- 1.3 **State Remedies Pursued:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied. See Exhibit W25 (Writ Denial Order).
- 1.4 **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff Webster's civil rights.

K. Constitutional Violations: 14th Amendment of the United States Constitution as well as North Carolina Constitution, Article I, § 19 ('Law of the Land' clause).

L. Conclusion:

- 1.1. Although the gatekeeper order has expired, its issuance and the surrounding circumstances highlight a pattern of deliberate and potentially retaliatory actions by the court when confronted with due process concerns.

- 1.2. The ongoing delay in issuing a protective order for hard drive evidence further illustrates the procedural and constitutional violations Plaintiff Webster has faced.
- 1.3. These actions warrant corrective measures under 42 U.S.C. § 1983 to address the deprivation of Plaintiff Webster's rights and a potential criminal investigation under 18 U.S.C. § 242 to ensure accountability for the willful deprivation of constitutional rights.
- 1.4. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

VI. Trial Court's Procedural and Constitutional Errors

- A. **General Affirmations Incorporation:** Paragraphs 1-4 of the 'General Affirmations' are incorporated herein by reference, serving as the foundation for the issues presented in this complaint.
- B. **Background:** Plaintiff Webster filed a Motion to Modify Child Support on or around 16 January 2023. The North Carolina Family Court Advisory Committee's (NCFCAC) established case management plan stipulates that 75% of child support claims should have an order entered within 90 days, approximately by 17 April 2023. Further, 90% of claims should be ordered within 180 days, approximately by 17 July 2023, and 100% of claims should be ordered within 270 days, which would have been by 13 October 2023. (Exhibit W27, p. 8).
- C. **Trial Court Level Attempts at Relief:**
 - 1.1. **Excessive Delay in Hearing:** Despite these guidelines, Plaintiff Webster's Motion to Modify Child Support has been repeatedly continued and is set to be heard on 29 August 2024. This will be 591 days from the original filing date, far exceeding the NCFCAC's established timelines for a final order entered on child support claims.
 - 1.2. **Violation of Due Process:** The excessive delay in hearing Plaintiff Webster's motion constitutes a violation of the principles of due process and the right to a timely resolution of child support matters as mandated by the NCFCAC guidelines.
 - 1.3. **Undue Burden and Financial Hardship:** This delay imposes an undue burden on Plaintiff Webster, resulting in prolonged financial uncertainty and hardship.

1.4. **Departure from Standards of Fair Legal Proceedings:** The failure of the North Carolina Family Court to adhere to its own established case management plan in this instance represents a significant departure from the standards of fair and just legal proceedings.

D. Exhaustion of State Remedies:

1.1. **State Remedies Pursued:** Plaintiff sought redress through state-level remedies, including filing relevant motions and complaints. Despite these efforts, the civil rights violations were not remedied.

1.2. **Necessity of Federal Intervention:** Given the failure of state remedies to address the constitutional violations, federal court intervention is necessary to protect Plaintiff's civil rights.

E. **Constitutional Violations:** This procedural delay and misconduct violate Plaintiff Webster's due process rights under the Fourteenth Amendment of the U.S. Constitution and Article I of the North Carolina Constitution ("Law of the Land" clause).

F. **Conclusion:** The trial court's failure to timely hear and resolve Plaintiff Webster's Motion to Modify Child Support, as stipulated by the NCFCAC guidelines, infringes upon Plaintiff Webster's due process and fair trial rights. The willful deprivation of these rights under color of law warrants corrective measures under 42 U.S.C. § 1983 and necessitates a review of procedural conduct to prevent future violations. The relief sought through this complaint is exclusively for addressing the constitutional violations outlined above and does not aim to review or alter any state court judgments or factual findings.

CAUSE OF ACTION

(Violations under 42 U.S.C. § 1983)

CAUSE OF ACTION—PLAINTIFF MICHAEL SCOTT DAVIS

1. Plaintiff Davis repeats and re-alleges the paragraphs made in the ‘Factual Allegations Pertaining to Plaintiff,’ ‘General Affirmations,’ and all subsequent Allegation sections (Sections II to IX) as if fully set forth herein.
2. Judges Brian Ratledge and Jennifer Bedford, acting under color of state law and by virtue of authority vested as a state actor, has subjected Plaintiff Davis to the deprivation of rights, privileges, and immunities secured by the Constitution and laws of the United States. This conduct constitutes a violation under both 42 U.S.C. § 1983, which addresses the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.
3. As a direct and proximate result of the Defendant's actions, Plaintiff Davis has suffered and continues to suffer substantial injuries. These injuries include, but are not limited to, emotional distress, financial loss, and reputational harm, all resulting from the unconstitutional deprivation of rights under both federal statutes.
4. Plaintiff Davis is entitled to relief, including, but not limited to, declaratory and injunctive relief, compensatory and punitive damages. These remedies are sought to address the harms caused by the Defendant's actions under color of state law, as prohibited by 42 U.S.C. § 1983 and a criminal referral under 18 U.S.C. § 242, and to redress the injuries sustained due to these civil rights violations.

CAUSE OF ACTION—PLAINTIFF STETSON MANSFIELD WEBSTER

5. Plaintiff Webster repeats and re-alleges the paragraphs in the ‘Factual Allegations Pertaining to Plaintiff Webster,’ ‘General Affirmations,’ and all subsequent Allegation sections (Sections I to VI) as if fully set forth herein.
6. Judges Julie Bell, Damion McCullers and Jennifer Bedford, acting under color of state law and by virtue of the authority vested as a state actor, have subjected Plaintiff Webster to the deprivation of rights, privileges, and immunities secured by the Constitution and laws of the United States. This conduct constitutes a violation under both 42 U.S.C. § 1983, which addresses the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.
7. Plaintiff Webster was incarcerated without due process of law following the trial court's erroneous finding of contempt. The trial court's actions, including failing to hear Plaintiff Webster's Rule 59 Motion and relying on insufficient evidence, resulted in Plaintiff Webster's unlawful detention. The court rejected all efforts to calendar the Rule 59 Motion, insisting on obtaining the other party's consent to hear the motion, thereby giving the other party undue influence over Plaintiff Webster's constitutional rights. This unlawful detention deprived Plaintiff Webster of his liberty without due process, in violation of the Fourteenth Amendment (ensuring due process rights) to the U.S. Constitution.
8. As a direct and proximate result of Defendant's actions, Plaintiff Webster has suffered and continues to suffer substantial injuries. These injuries include but are not limited to, emotional distress, financial loss, and reputational harm, all resulting from the unconstitutional deprivation of rights under both federal statutes.
9. Plaintiff Webster is entitled to relief, including, but not limited to, declaratory and injunctive relief, compensatory and punitive damages. These remedies are sought to address the harms caused by the Defendant's actions under color of state law, as prohibited by 42 U.S.C. § 1983, and to redress the injuries sustained due to these civil rights violations.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF MICHAEL SCOTT DAVIS and PLAINTIFF STETSON MANSFIELD WEBSTER respectfully request that this Court grant the following relief:

1. **Declaratory Relief:** Declare that the actions of the trial court violated Plaintiff Davis's and Plaintiff Webster's due process rights under the Fourteenth Amendment, as detailed in each issue in the accompanying memorandum;
2. **Injunctive Relief:** Issue an injunction to prevent future violations of the Plaintiffs' due process rights and ensure compliance with constitutional requirements in future proceedings;
3. **Compensatory Damages:** Award Plaintiff Davis and Plaintiff Webster compensatory damages for the actual losses incurred as a result of the due process violations, including but not limited to legal expenses, financial losses, and other related costs, as detailed in each issue in the accompanying memorandum;
4. **Punitive Damages:** Award punitive damages to Plaintiff Davis and Plaintiff Webster to punish the wrongful actions and deter future violations, as detailed in each issue in the accompanying memorandum;
5. **Attorney's Fees and Costs:** Award Plaintiff Davis's and Plaintiff Webster's reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 for the periods when Plaintiffs were represented by appointed counsel and other necessary costs as appropriate;
6. **Referral for Criminal Investigation:** Refer the findings to the appropriate federal authorities for investigation and potential prosecution under 18 U.S.C. § 242 for deprivation of rights under color of law;
7. **Additional Relief:** Grant such other and further relief as the Court deems and proper;
8. **Jurisdiction and Authority:**
 - i. Assume jurisdiction as warranted by 42 U.S.C. § 1983.
 - ii. Grant any additional relief as deemed just and proper by the Court.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (Federal question jurisdiction), 28 U.S.C. § 1343(a)(3) (Civil rights and elective franchise), and 42 U.S.C. § 1983 (Civil action for deprivation of rights). Venue is proper in this Court under 28 U.S.C. § 1391(b).

DEMAND FOR JURY TRIAL

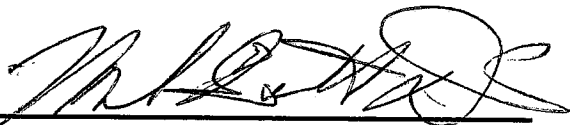
Plaintiff Davis and Plaintiff Webster demand a trial by jury on all issues so triable.

CLOSING

Plaintiff Davis and Plaintiff Webster place their trust in the Court to rectify the infringements of constitutional rights and to deliver justice in a manner that upholds the principles of the Constitution and the laws of the United States.

This the 30th day of July 2024.

Respectfully submitted,



Michael Scott Davis,
Plaintiff, Pro Se
823 Stadium Drive #E
Wake Forest, NC 27587
(609) 924-6984
miked@lucidimpact.com



Stetson Mansfield Webster,
Plaintiff, Pro Se
317 Stone Arbor Way
Wendell, NC 27591
(919) 250-0052
stetson@stetsonwebster.com

PLAINTIFF MICHAEL SCOTT DAVIS EXHIBITS

1. **Exhibit D01**- NC Court of Appeals Order (COA-22-1053-1054)
2. **Exhibit D02** - Permanent Custody Order (Nov 2019)
3. **Exhibit D03** - Appeal Brief (22-1054, Dec 22, 2022)
4. **Exhibit D04** - Transcript (March 2, 2022)
5. **Exhibit D05** - Rule 60(b) Motion
6. **Exhibit D06** - Child Support Motion
7. **Exhibit D07** - Denial of Child Support Order (Apr 2022)
8. **Exhibit D08** - Business Record Exception (8036)
9. **Exhibit D09** - Appeal Brief (22-1053, Jan 2023)
10. **Exhibit D09A** - Docket Sheet (P22-155-1)
11. **Exhibit D10** - Transcript (Apr 26, 2022)
12. **Exhibit D11** - Sanctions Motion (Filed)
13. **Exhibit D11A** - Amended Sanctions Motion (Filed)
14. **Exhibit D12** - Defendant Continuances
15. **Exhibit D13** - Sanctions Order for Non-Timely Notification (Nov 2017)
16. **Exhibit D14** - Rule 52 Recusal Order and Deposition (Apr 2019)
17. **Exhibit D14A** - Rule 52 and Recusal Motion (Apr 3, 2019)
18. **Exhibit D15** - Plaintiff's Certificate of Indigence (2022-2023)
19. **Exhibit D16** - Transcript (Oct 7, 2022)
20. **Exhibit D17** - Order (Oct 7, 2022)
21. **Exhibit D18** - Transcript (Oct 6, 2023)
22. **Exhibit D19** - Order (Oct 6, 2023)
23. **Exhibit D20** - Motion for Court Supervision
24. **Exhibit D21** - Rule 59 Motion (Apr 11, 2022)
25. **Exhibit D22** - NC Supreme Court Order of Denial (415P17-2)
26. **Exhibit D23** - Judicial Standards Complaint Letter and Denial
27. **Exhibit D24** - Court of Appeals Order of Dismissal (COA-23-1078)
28. **Exhibit D25** - SCNC Petition for Discretionary Review
29. **Exhibit D26** - Petition for Discretionary Review (Leave to Amend)
30. **Exhibit D27** – Protective Order Motions Executor and Repeated Requests

PLAINTIFF STETSON MANSFIELD WEBSTER'S EXHIBITS

- W01**: Amended Order on Support (30 Sep 2021)
- W02**: Order for Contempt (26 Sep 2022)
- W03**: Rule 59 Motion to Reconsider (23 Sep 2022)
- W04**: Rule 62 Motion to Stay (23 Sep 2022)
- W05**: Rejection to Calendar Motions
- W06**: Order Denying Stay (6 Dec 2022)
- W07**: Order Denying Stay (12 Dec 2022)
- W08**: NCCOA Opinion 22-975 (5 Mar 2024)
- W09**: Rule 59 Motion to Reconsider (1 Nov 2021)
- W10**: Motion to Finalize Eleven Orders (20 Nov 2023)
- W11**: Writ of Mandamus (27 Mar 2024)
- W12**: Writ of Mandamus Dismissal (17 May 2024)
- W13**: Protective Order (1 Mar 2024)
- W13a**: Order to Compel (1 Mar 2024)
- W14**: Status - Def's Compliance Release Inspection Of Docs - Adverse Inference (23 Apr 2024)
- W15**: Temporary Custody Order (27 Aug 2021)
- W16**: Writ of Certiorari (8 Sep 2021)
- W17**: NCCOA Opinion 22-976 (5 Mar 2024)
- W18a**: Equitable Distribution Trial Transcript (7 Dec 2021 - 8 Dec 2021)
- W18b**: Equitable Distribution Trial Transcript (7 Dec 2021 - 8 Dec 2021)
- W19**: Order for Equitable Distribution (2 Aug 2022)
- W20**: NCCOA Opinion 22-977 (5 Mar 2024)
- W21**: Correspondence with the Court (24 Apr 2024)
- W22**: Order Continuing Plaintiff's Order to Show Cause (29 May 2024)
- W23**: Gatekeeper Order (28 Apr 2023)
- W24**: Writ of Certiorari (15 May 2023)
- W25**: Writ Denial Order (14 Jun 2023)
- W26**: Judicial Complaint (30 Nov 2021)
- W27**: Tenth Judicial District Family Court Rules (1 Aug 2013)