

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
5:24-CV-440-FL

MICHAEL SCOTT DAVIS and
STETSON MANSFIELD WEBSTER,
PLAINTIFFS,
v.
BRIAN RATLEDGE, et al,
DEFENDANTS.

MOTION FOR LEAVE TO FILE
SUPPLEMENTAL COMPLAINT
AND MEMORANDUM OF LAW

NOW COME Plaintiffs, Michael Scott Davis and Stetson Mansfield Webster, pro se, pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, and respectfully move this Court for leave to file a supplemental complaint and memorandum of law (hereafter “pleadings”) in the above-captioned matter. In support of this Motion, Plaintiffs show the following:

1. Background

- a. On July 30, 2024, Plaintiffs filed their initial pleadings, asserting claims under 42 U.S.C. § 1983 for constitutional violations, including due process.
- b. On August 20, 2024, Plaintiffs filed amended pleadings pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, further clarifying and refining the claims from the initial pleadings.
- c. Since filing the amended pleadings, Defendants have committed additional due process violations and engaged in procedural mismanagement directly related to the issues raised in both the original and amended complaints and memoranda of law.

2. New Allegations

- a. The supplemental pleadings contain allegations based on events that occurred after the filing of the original pleadings, including, but not limited to:

- i. Improper handling of judicial proceedings;
 - ii. Denial of procedural due process rights related to continuances and judicial recusal motions.
 - b. These events directly impact the original claims and demonstrate an ongoing violation of Plaintiffs' constitutional rights.
3. **Rule 15(d) Standard:**
- a. **Federal Rule of Civil Procedure 15(d)** allows a party to serve supplemental pleadings setting out any transaction, occurrence, or event that happened after the date of the original pleading;
 - b. The filing of supplemental pleadings enables the Court to address the full scope of the ongoing constitutional violations.
4. **No Prejudice to Defendants:** The filing of these supplemental pleadings will not prejudice Defendants, as it is relating to events occurring after the original pleadings and relate to issues already within the scope of this litigation.
5. **Justice Served:** Allowing the filing of the supplemental pleadings will promote judicial efficiency and serve the interests of justice by addressing all related actions in a single proceeding.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs leave to file:

- 1. The attached Supplemental Complaint, attached hereto as **Exhibit A**;
- 2. Supplemental accompanying Memorandum of Law, attached hereto as **Exhibit B**;
- 3. Grant such further relief as the Court deems just and proper.

This the 18th day of September 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion has been served on the Defendants by depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

Chris D. Agosto Carreiro
Special Deputy Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602

This the 18th day of September 2024

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