

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.

MEMORANDUM OF LAW IN  
SUPPORT OF SUPPLEMENTAL  
COMPLAINT FOR CIVIL RIGHTS  
VIOLATIONS UNDER  
42 U.S.C. § 1983

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Michael Scott Davis, Plaintiff, Pro Se  
Stetson Mansfield Webster, Pro Se  
**Date:** September 18, 2024

**Re:** Comprehensive Legal Analysis of Case, including Potential Counterarguments,  
Rebuttals, and Suggested Remedial Actions

**INTRODUCTION**

This memorandum of law accompanies the Civil Rights Complaint under 42 U.S.C. § 1983 filed by Michael Scott Davis and Stetson Mansfield Webster (hereafter "Plaintiff Davis" or "Mr. Davis") and "Plaintiff Webster" (hereafter "Plaintiff Webster" or "Mr. Webster") respectively. It provides a comprehensive legal analysis of the constitutional violations perpetrated by state actors within the Wake County trial court, specifically involving the Honorable Brian Ratledge, the Honorable Jennifer Bedford, the Honorable Julie Bell, and the Honorable Damion McCullers. The focus is on the systematic erosion of Plaintiff Davis and Plaintiff Webster's Fourteenth Amendment rights, particularly regarding due process and equal protection under the law.

### PROCEDURAL HISTORY SUMMARY

1. On August 29, 2024, Defendants Ratledge and Bell filed a Motion for Extension of Time to respond to the amended complaint without consulting with the Plaintiffs.
2. On September 5, 2024, the Defendants' Motion for Extension of Time was declared procedurally deficient, and a notice of deficiency was issued by the court.
3. On September 10, 2024, Defendants Ratledge and Bell contacted the Plaintiffs to seek their position on the motion for an extension of time.
4. On September 11, 2024, Plaintiffs filed a Conditional Agreement, consenting to the Defendants' extension of time based on the conditions set forth therein.
5. On September 11, 2024, Defendants filed a revised Motion for Extension of Time.

### JUDICIAL IMMUNITY EXCEPTIONS

1. **Judicial Immunity and Due Process Violations:** It is well-established under federal law that judicial immunity does not protect judges from liability for actions taken outside of their judicial capacity or in the clear absence of all jurisdictions. Judicial acts that violate due process rights, as guaranteed under the Fourteenth Amendment to the United States Constitution, fall outside the protection of judicial immunity.
2. **Case Law Support: Case Law Support:** In *Stump v. Sparkman*, 435 U.S. 349 (1978), the U.S. Supreme Court clarified that judicial immunity only applies when judges act within their judicial capacity and with proper jurisdiction. Furthermore, in *Pulliam v. Allen*, 466 U.S. 522 (1984), the Court held that judicial immunity does not bar claims for prospective injunctive relief against judicial officers who violate constitutional rights. These precedents underscore that judicial immunity is not absolute and does not shield judges from actions that clearly violate due process and other constitutional rights.
  - a. These cases are directly applicable to the present situation. In *Stump*, the Court noted that judicial immunity only applies when judges are acting within their judicial capacity and with proper jurisdiction. In *Pulliam*, the Court emphasized that even when judges are performing judicial acts, they can be held accountable if those acts infringe upon constitutional rights. Applying these principles, the actions of Judge Brian Ratledge and Judge Julie Bell as detailed in the supplemental complaint—demonstrate their clear and **continuing violations** of established due

process protections and fall well outside the scope of actions that judicial immunity is meant to protect.

- b. **Application to Plaintiffs' Claims:** In the present case, the actions taken by Judge Brian Ratledge and Julie Bell as outlined in this complaint, represent significant departures from established judicial conduct and due process requirements. These actions, which include failure to adhere to due process, acting outside of their jurisdiction, and engaging in non-judicial acts under the color of state law, fall outside the scope of judicial immunity. Therefore, the plaintiffs' claims should proceed, and the doctrine of judicial immunity should not serve as a bar to their pursuit of justice under 42 U.S.C. § 1983.

### IMPLICATIONS FOR CIVIL RIGHTS

The actions of the defendants, performed under the color of state law, led to significant due process violations against both plaintiffs. By engaging in conduct that disregarded constitutional protections afforded to the plaintiffs, these judicial officers exposed and exacerbated systemic deficiencies within the Wake County judicial system. This federal civil rights complaint seeks to address and rectify the unconstitutional processes and procedural misconduct that compromised the fairness and integrity of judicial proceedings, without challenging the legitimacy of the judgments themselves.

This memorandum is confined to examining the procedural violations and constitutional breaches that occurred during these legal proceedings. It articulates the necessity for judicial redress and appropriate remedies under federal law, focusing solely on the due process and equal protection violations that occurred. This memorandum underscores the infringement of Mr. Davis' and Mr. Webster's individual rights, evidencing a broader pattern of deviation from established legal standards that mandates federal court intervention.

Additionally, this memorandum recognizes the plaintiffs' efforts to seek remedies through state mechanisms, including the actions of the North Carolina Judicial Standards Commission (NCJSC). Despite these efforts, the state remedies failed to address the constitutional violations at issue, necessitating federal intervention. For detailed references to the issues and supporting evidence, please consult the exhibits and citations provided at the end of each section.

**SUPPLEMENTAL ISSUES:  
PLAINTIFF MICHAEL SCOTT DAVIS**

**I. Defendant Ratledge’s Continued Role as Presiding Judge Despite Conflict of Interest and Failure to Address Recusal Motion**

**1.1. DETAILED ANALYSIS**

**a. Trial Court:**

**i. Professional (Official) Capacity—Due Process Violations:**

1. **Failure to Recuse:** On or about September 10, 2024, Plaintiff Michael Scott Davis filed a motion seeking the recusal of Judge Brian Ratledge from presiding over the trial scheduled for October 30, 2024. Despite being named as a defendant in the federal lawsuit *Davis and Webster v. Ratledge, et al.*, Case No. 5:24-CV-440-FL, which includes allegations of constitutional violations such as due process breaches and false imprisonment, Judge Ratledge did not recuse himself sua sponte, nor did he respond to Plaintiff Davis’s recusal motion. Under 28 U.S.C. § 455(a), N.C. Gen. Stat. § 15A-1223, and the North Carolina Code of Judicial Conduct, Judge Ratledge should have recused himself to avoid any conflict of interest or the appearance of bias. See Exhibit D28 (Plaintiff Davis’s Motion Judge Ratledge Recusal).
2. **Continued Presiding Despite Conflict:** Despite being named in litigation that directly challenges his prior judicial actions, Judge Ratledge continued presiding over Davis’s case, raising significant concerns regarding impartiality. The lawsuit details due process violations, including a two-year delay in hearing Davis’s Rule 60(b) motion and improper contempt findings leading to Davis’s imprisonment without adequate legal basis.

**1.3. Exhaustion of State Remedies and Necessity For Federal Intervention:**

- a. As stated in the complaint, *Under Patsy v. Board of Regents*, 457 U.S. 496 (1982), exhaustion of state remedies is not required for § 1983 claims. Given the pattern of judicial misconduct and due process violations exhibited by Defendant Judge Ratledge and other state actors, seeking immediate redress at the federal level is both reasonable and necessary to address the ongoing civil rights violations occurring in real time and the proximity to the upcoming October 30, 2024 hearing.

- b. **Judge Ratledge’s failure to recuse himself from presiding over Plaintiff Davis’s case:** Despite being a named defendant in a federal lawsuit that directly challenges his judicial conduct constitutes, this refusal is a clear violation of both federal and state judicial conduct standards, including 28 U.S.C. § 455(a) and N.C. Gen. Stat. § 15A-1223. The continued participation of Judge Ratledge, as outlined in the civil rights complaint, demonstrates a pattern of judicial bias and improper legal rulings, further undermining Plaintiff Davis's constitutional right to due process under the Fourteenth Amendment and Article I, § 19 of the North Carolina Constitution.
  - c. These ongoing violations, combined with the absence of adequate remedies at the state level, necessitate federal intervention under 42 U.S.C. § 1983. Additionally, the severity of Judge Ratledge’s misconduct may warrant a referral for investigation under 18 U.S.C. § 242 for willful deprivation of rights under color of law.
- 1.4. **Constitutional Violations:** These actions and inactions violate Plaintiff Davis’ due process rights under U.S. Const. amend. XIV and N.C. Const. Art. I, § 19 ("Law of the Land").
- 1.5. **Conclusion:** Judge Ratledge’s failure to recuse himself from presiding over Plaintiff Davis’s trial, despite being a named defendant in a federal lawsuit that directly challenges his judicial actions, represents a clear violation of both federal and state judicial conduct standards. His ongoing actions in the courtroom, as detailed in the civil rights complaint, reflect a pattern of judicial bias and improper legal rulings, further justifying the need for federal intervention.

## B. POTENTIAL COUNTERARGUMENTS AND REBUTTALS:

- 1.3. **Anticipated Counterargument:** Judge Ratledge’s refusal to recuse himself was reasonable and that his involvement in a related federal lawsuit does not automatically impair his impartiality or ability to preside over Plaintiff Davis’s case.
- 1.4. **Rebuttal:**
- a. **Judicial Impartiality and Appearance of Bias:** The Fourteenth Amendment of the U.S. Constitution mandates fairness in judicial proceedings, and 28 U.S.C. § 455(a) reinforces that a judge must disqualify themselves from any proceeding where their impartiality might reasonably be questioned. In this case, Judge Ratledge is a named defendant in a federal lawsuit (*Davis and Webster v. Ratledge, et al.*) filed by Plaintiff

- Davis, which questions the Judge’s prior judicial actions and raises allegations of constitutional violations, including false imprisonment. As *the Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) decision highlights, even the potential for bias or an appearance of impropriety, particularly in situations of personal conflict of interest, can be constitutionally intolerable.
- b. **Failure to Address Recusal Motion:** Judge Brian Ratledge’s failure to address the motion for recusal exacerbates concerns of judicial bias. Judicial conduct standards, including **Canon 3(C)(1)** of the North Carolina Code of Judicial Conduct, emphasize the importance of maintaining the appearance of impartiality. The U.S. Supreme Court in **Caperton** and the North Carolina Supreme Court in **Lange v. Lange, 357 N.C. 645 (2003)** reaffirm that recusal is necessary when a reasonable person could question a judge’s impartiality. Judge Ratledge’s refusal to step down, despite being directly named in the federal lawsuit, violates these core principles and undermines public confidence in the judicial system.
  - c. **A History of Procedural Failures:** Judge Ratledge’s actions in prior hearings—specifically, his failure to provide Plaintiff Davis due process in presenting his arguments, manner of behavior and improper contempt findings, resulting in incarceration without due process—suggest a troubling pattern of judicial bias. These failures were compounded by his dismissive comments during the same March 2022 hearing, such as “*Maybe I’m just hungry*” to determine financial liability of the parties over the course of more than eight years, reflect personal bias and disregard for following due process. This behavior directly contradicts the established legal standards for judicial conduct outlined in *Coble v. Coble, 300 N.C. 708 (1980)*, which require that judgments be based on facts and law, not gut feelings or guesses.
  - d. **Deprivation Of Rights Under Color of Law:** By continuing to preside over Plaintiff Davis’s case, despite the clear conflict of interest, Judge Ratledge’s actions constitute an ongoing violation of Davis’s Fourteenth Amendment rights to due process. These actions also raise serious concerns under 42 U.S.C. § 1983 for civil rights violations, as well as 18 U.S.C. § 242, which addresses the deprivation of constitutional rights under color of law. The failure to ensure impartial adjudication, especially in a case where the judge is a defendant, justifies federal intervention and investigation.

**B. SUGGESTED REMEDIAL ACTIONS:**

- 1.3. **Declaratory Judgement:** A declaration that Plaintiff Davis's constitutional rights were violated.
- 1.4. **Compensatory and Punitive Damages:**
- a. Plaintiff Davis seeks compensation for the financial, emotional, and psychological impacts suffered due to the due process violations.
  - b. Compensation should address the ongoing disregard for procedural fairness and the resulting stress—not from any fear of an unfavorable ruling, but from the fear of appearing before a judicial officer who consistently wields the power of law enforcement to impose his will without procedural safeguards. Operating under the guise of legal proceedings, this judicial officer has acted more like a rogue actor than an officer of the court. This is yet another court date where Plaintiff is deeply concerned for his well-being, as he has been before every hearing since March 2022.
- 1.5. **Punitive Damages:** Punitive damages are sought under 42 U.S.C. § 1983 to address the severity of the ongoing judicial actions that violated Mr. Davis's constitutional rights. These damages aim to deter future judicial misconduct and hold the responsible parties accountable for acting with personal bias, malice, and/or bad faith during the proceedings.
- 1.6. **Possible Criminal Referral:** Given the continued pattern of behavior, even after this lawsuit was filed, this ongoing misconduct may appropriately warrant a referral under 18 U.S.C. § 242.
- 1.7. **Injunctive Relief:** For comprehensive relief and to prevent future violations, please refer to the Consolidated Injunctive Relief section.

C. **ALL SUPPORTING SOURCES:** 28 U.S.C. § 455(a); 42 U.S.C. § 1983; 18 U.S.C. § 242; *Patsy v. Board of Regents*, 457 U.S. 496 (1982); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Stump v. Sparkman*, 435 U.S. 349 (1978); *Pulliam v. Allen*, 466 U.S. 522 (1984); *Marshall v. Lonberger*, 459 U.S. 422 (1983); Fourteenth Amendment to the United States Constitution; N.C. Gen. Stat. § 15A-1223; N.C. Const. Art. I, § 19 ("Law of the Land"); Canon 3(C)(1) of the North Carolina Code of Judicial Conduct; *Lange v. Lange*, 357 N.C. 645 (2003); *Coble v. Coble*, 300 N.C. 708 (1980); North Carolina Code of Judicial Conduct; Exhibit D28 (Plaintiff Davis's Motion for Recusal of Judge Ratledge).

**ISSUES: PLAINTIFF STETSON MANSFIELD WEBSTER****VII. Improper Delegation and Denial of Due Process in Case Management****A. DETAILED ANALYSIS:**

- 1.1. **Improper Delegation of Scheduling Authority:** On August 26, 2024, Plaintiff Webster filed a Motion in Opposition to the anticipated continuance request from opposing counsel in an ongoing state court matter. On the same day, opposing counsel filed multiple motions for continuance and requested the court rule without a hearing, despite acknowledging Plaintiff Webster's objection. See Exhibits W29a (Plaintiff's Objection and W30 (Plaintiff's Opposition and Motion to Recuse). Despite these formal objections, the continuance was granted without holding a hearing, and no action was taken on Plaintiff Webster's recusal motion. This denial of a hearing violated Plaintiff Webster's due process rights under the Fourteenth Amendment and N.C. Const. Art. I, § 19 ("Law of the Land").
- 1.2. **Improper Scheduling by Judge Bell's Staff:** On August 28, 2024, an order granting the continuance was signed by another judge, but no new hearing date was set, with scheduling authority still delegated to Judge Bell's staff. Despite a pending motion for recusal, Judge Bell's coordinator handled the case's scheduling, and on September 3, 2024, opposing counsel proposed a hearing date of January 16, 2025, which Judge Bell's coordinator confirmed via email. The order was officially filed later that day with this new date. Although the order bore another judge's signature, the continued involvement of Judge Bell's staff in managing the case, including setting the hearing date while it remains on Judge Bell's calendar, created the appearance of impartiality and suggested more of a delegation of duties than a true recusal, raising serious due process concerns. The unresolved recusal motion, combined with the ongoing procedural management by Judge Bell's staff and the case's continued presence on her calendar, violated Plaintiff Webster's due process rights under the Fourteenth Amendment and N.C. Const. Art. I, § 19.
- 1.3. **Trial Court's Failure to Address Objections:** Despite Plaintiff Webster's formal objection to the continuance motion, North Carolina General Rule of Practice 2(c) requires that a hearing be held when objections are raised. Rule 2(c) grants discretion in granting continuances, but when objections touch on key issues such as fairness, impartiality, or conflicts of interest, particularly with a pending recusal motion, due process mandates a



hearing. The court's failure to hold such a hearing deprived Plaintiff Webster of his right to be heard, undermining fundamental fairness. The presence of the recusal motion heightened the need for procedural safeguards, which the court failed to provide. See Exhibits W29 (Plaintiff's Objection) and W30 (Plaintiff's Opposition and Motion to Recuse).

- 1.4. **Procedural Misconduct and Constitutional Violations:** Although the continuance order was signed on August 28, 2024, four days before it was officially filed on September 3, 2024, procedural concerns remain regarding how the continuance request was handled. The involvement of Judge Bell's staff in coordinating the continuance, coupled with the failure to act on the recusal motion and the denial of a hearing despite Plaintiff Webster's objection, raises concerns about the fairness and legitimacy of the process. These actions contribute to the ongoing violation of Plaintiff Webster's due process rights under the Fourteenth Amendment and N.C. Const. Art. I, § 19 ("Law of the Land"). See Exhibits W29 (Plaintiff's Objection) and W30 (Plaintiff's Opposition and Motion to Recuse).

## B. POTENTIAL COUNTERARGUMENTS AND REBUTTALS

- 1.1. **Anticipated Counterarguments:** The court may argue that delegating scheduling to Judge Bell's staff was a routine administrative task or that the court's busy docket justified bypassing a hearing on the continuance.
- 1.2. **Rebuttal:**
- a. **Due Process Violations:** Plaintiff Webster's objections should have triggered a hearing under normal procedure, especially given the issues and circumstances. The court's failure to hold a hearing undermines procedural fairness and constitutional due process. The delegation of scheduling to Judge Bell's staff, especially given the pending recusal motion, compounded the appearance of bias and further violated Plaintiff Webster's right to a fair trial. The lack of a hearing and improper handling of scheduling disregarded Plaintiff Webster's constitutional rights under U.S. Const. amend. XIV and N.C. Const. Art. I, § 19 ("Law of the Land").
  - b. **Infringement on Plaintiff Webster's Constitutional Rights: Infringement on Plaintiff Webster's Constitutional Rights:** The involvement of Judge Bell's staff, in collaboration with the opposing party, compromised the fairness of the proceedings. The court's failure to address the objections, along with the improper delegation of

authority, violated 42 U.S.C. § 1983, which protects individuals from deprivation of constitutional rights under color of state law. Plaintiff Webster's objections were disregarded, and his procedural rights were denied without justification. No action was taken on the recusal motion or motion for expedited hearing, demonstrating the need for federal intervention. See Exhibit W31 (Emails and Continuance Order).

### C. SUGGESTED REMEDIAL ACTIONS

- 1.1. **Declaratory Judgment:** A declaration that the trial court's actions violated Plaintiff Webster's due process rights under the Fourteenth Amendment to the U.S. Constitution and N.C. Const. Art. I, § 19 ("Law of the Land") is necessary. The court's refusal to hold a hearing after Plaintiff Webster's formal objection, as required under North Carolina General Rule of Practice 2(c), coupled with the improper delegation of scheduling authority, directly violated his due process rights. These procedural failures require recognition as constitutional violations, as they denied Plaintiff Webster the opportunity to be heard and undermined the fairness of the judicial process.
- 1.2. **Appropriate Compensation to Plaintiff Webster:** Order appropriate compensation for Plaintiff Webster for the emotional, financial, and procedural harm caused by the trial court's failure to follow due process. The undue delays and harm resulting from these actions justify restitution under 42 U.S.C. § 1983.
- 1.3. **Injunctive Relief:** Issue an injunction requiring that Judge Bell immediately recuse herself or be otherwise disqualified from presiding over further matters in this case. Both Plaintiff Webster and opposing counsel have expressed strong agreement regarding the existence of conflicts involving Judge Bell, further supporting the necessity for immediate recusal to preserve the integrity of the proceedings. Additionally, all continued matters must be reassigned to a new judge and scheduled for hearing without further delay. This request does not seek to overturn past state court rulings but rather ensures that future proceedings respect Plaintiff Webster's due process rights under the Fourteenth Amendment and prevent further harm.

D. **ALL SUPPORTING SOURCES:** Exhibits W29a (Objection to Anticipated Motion for Continuance); W29b (Opposing Counsel's Motion to Continue); W29c (Opposing Counsel's Continuance Order Submission Cover Sheet); W30 Opposition to Defendant's

Motion for Continuance and Motion to Recuse Judge Bell; W31 Correspondence regarding the continuance from Margaret Powers and Judge Bell's staff; W32 (Emergency Motion for Expedited Hearing); North Carolina General Rule of Practice 2(c).

### **CONSOLIDATED INJUNCTIVE RELIEF**

**A. Introduction to Consolidated Injunctive Relief:** In light of the various due process violations and constitutional infringements detailed above, the plaintiffs respectfully request the Court to issue the following consolidated injunctive relief to address and prevent future violations effectively.

**B. Ensure Compliance with Constitutional Protections:**

**a. Non-Interference with Fourteenth Amendment Rights:**

- i. Defendants be enjoined from further actions that violate the due process rights of the plaintiffs under the Fourteenth Amendment to the United States Constitution.
- ii. Defendants must ensure that all future actions comply with the due process requirements of the Fourteenth Amendment and the "Law of the Land" clause in Article I, § 19 of the North Carolina Constitution.
- iii. Defendants are required to implement and maintain policies or procedures that explicitly incorporate these constitutional protections, with a report to the Court detailing these policies within 60 days of the Court's order.

**C. Protection Against Retaliation**

**a. Anti-Retaliation Measures:**

- i. Defendants are enjoined from taking any retaliatory actions against the plaintiffs for filing this lawsuit.
- ii. Any such retaliatory actions, including but not limited to adverse employment actions, harassment, or other forms of retribution, shall be reported to this Court within 48 hours, and appropriate measures shall be taken to protect the plaintiffs' rights.
- iii. Defendants must establish a monitoring system to detect and prevent retaliation, with quarterly reports to the Court on any incidents or complaints of retaliation.

**D. Compliance and Enforcement**

- a. This Court retains jurisdiction to issue further orders if necessary to ensure compliance with this injunctive relief and to address any violations thereof.
- b. Defendants are required to submit a compliance report to the Court every six months, detailing steps taken to adhere to this order, with the first report due within 90 days of the order.
- c. Failure to comply with any aspect of this order may result in additional sanctions, including but not limited to contempt of court proceedings.

This the 18th day of September, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum of Law 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 18<sup>th</sup> day of September 2024

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