

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

Troy Childers,

Plaintiff,

V.

Ralph Northam, et al.

Defendants.

**MOTION FOR LEAVE TO AMEND,**

**MOTION FOR LEAVE TO FILE  
AN OVERSIZED BRIEF,**

**MOTION FOR LEAVE TO FILE  
AN OVERLENGTH BRIEF.**

**Case Number: 2:19cv9**

**I. INTRODUCTION**

1. The plaintiff, Troy Childers, respectfully requests that this court grant his Motion for leave to amend, Motion for leave to file an oversized brief along with his Motion for leave to file an over-length brief. Federal Rule of Civil Procedure 15 provides that leave to amend shall be freely given “when justice so requires.” FED. R. CIV. P. 15(a)(2). Federal Rule of Civil Procedure 15(a) also provides that, once a responsive pleading has been served, a party may amend its pleading “only with the opposing party’s written consent or the court’s leave. There is

no indication that the defendants have been served. There is no unfair surprise or other prejudice to the defendants in presenting these amplified allegations. No trial date has been set in this matter, and no prejudice will result from the proposed amendment. Granting the requested leave will not cause prejudice to any party, and denial of the Motion will unfairly prejudice Plaintiff, therefore the Motion should be granted.

2. With the limitations imposed on a Pro SE litigant, a complaint can only be submitted in paper form. This limits the ability to provide clickable hyperlinks to reference qualified resources of evidence. Resources of evidence must all be printed and attached as exhibits. Due to the nature of this case and due to the stature of the defendants, an abundance of qualified information, scientific studies, and documented evidence are essential to prove the facts in this matter. The court should grant the Motion for leave to file an oversized brief.

3. When the plaintiff previously amended his complaint he was under duress due to the fact that he was about to be imprisoned for being poor and mentally ill. The plaintiff was suffering from severe emotional distress and mental agony which hindered his ability to provide all of the facts in a well-formed complaint. Mr. Childers also had a limited amount of time to submit a definitive set of facts during his state of extreme anxiety as he was later imprisoned for an exact time period of six months. The grant of leave for these motions is particularly appropriate here, given the clear absence of any substantial reason to deny Mr. Childers would like the opportunity to present his case in the way that it would have been filed originally under normal circumstances. Justice requires the right to be heard along with the opportunity to present all facts (Rule 2.6: Ensuring the Right to Be Heard). The filing of an oversized complaint will allow Mr. Childers the ability to include a preponderance of the evidence. This volume of evidence is necessary to prove that facts in this matter.

Accordingly, in the interest of justice, this Court should grant the Plaintiff's motion for leave to file the proposed amended.

## **II. STATEMENT OF FACT**

4. There are extraordinary circumstances in this matter that demand attention due to the serious constitutional implications. Given the nature of this case, it would be prudent to address some of the most recent facts and developments. Judge Larry D. Willis, Sr. is one of the defendants named in this case. Due to the previous complaint filed in this district court, Judge Larry D. Willis, Sr. recused himself from the plaintiff's child support matters in 2016. See *Troy Childers v. Larry Willis, Sr.*, No. 15-2515 (4th Cir. 2016). However, Judge Larry D. Willis, Sr. decided to rule on Mr. Childers's child support matter on October 22, 2019. At this hearing, the Division of Child Support Enforcement was going to lower Mr. Childers's monthly obligation to \$300.00 per month. This action was blocked by Judge Larry D. Willis, Sr. On this day of October 22, 2019, Larry D. Willis, Sr., talked about this federal complaint and

mentioned the previous federal complaint. Mr. Childers experienced prejudice from Judge Larry D. Willis, Sr. and received an unfavorable ruling because he sought relief in the federal justice system. Because of this unfavorable ruling Mr. Childers may yet again face the threat of incarceration for being poor. This is explained towards the end of the amended brief.

5. According to The Virginia Juvenile & Domestic Relations District Court Manual, Chapter 2, Page 10, Section C, when a chief judge removes himself from a case, a form labeled as DC-91 (Order Of Disqualification/Waiver Of Disqualification) must be filled out and sent to the Supreme Court of Virginia. The Supreme Court of Virginia is to designate a presiding judge after a recusal. This procedure promotes fundamental fairness in the judiciary and ensures constitutional proceedings. Judge Larry D. Willis, Sr. was the chief judge who recused himself in 2016 from Mr. Childers's child support matters. The DC-91 form was never filled out or sent to the Supreme Court of Virginia, otherwise, Mr. Childers

would NOT have had a substitute judge preside over his case. Alfreda Talton-Harris is the retired substitute judge who sentenced Mr. Childers to 6-months of jail. The Virginia Juvenile & Domestic Relations District Court Manual, Chapter 2, Page 10, Section C reads as follows:

If the chief judge is the judge who is disqualified or if all the judges in a district are disqualified because of a conflict of interest, the chief judge or the clerk of court shall forward a DC-91, ORDER OF DISQUALIFICATION along with the JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT COVER SHEET REQUEST FOR DESIGNATION-RECUSAL CASE to the Chief Justice of the Supreme Court of Virginia, who will designate a judge to preside over the case. Notwithstanding the foregoing, no substitute judge appointed pursuant to Va. Code § 16.1-69.9:1 shall be designated to preside over any case where the regular judge is disqualified unless either the chief judge or the Chief Justice has determined that no active judge, or retired judge subject to recall, is reasonably available to serve. See **exhibit G51**.

6. According to this section, “where the regular judge is disqualified”, Alfreda Talton-Harris was not allowed to preside over Mr. Childers's child support matter as the chief judge had

recused himself prior to these hearings. These are only a few developments that have been added to this brief. “Aside from all else, ‘due process’ means fundamental fairness and substantial justice.” (quoting Vaughn v. State, 3. Tenn. Crim. App. 54, 456 S.W.2d 879, 883 (1970)). Black's Law Dictionary, 6th Edition, page 500.

7. With regard to Judge Larry D. Willis, Sr., to be as short and concise as possible, Mr. Childers and Larry D. Willis, Sr. share a mutual friend. Both Mr. Childers and Larry D. Willis, Sr. have associated with this person for years. Mr. Childers's ex-wife worked for this person during his child support cases at the Chesapeake JDR courts. Mr. Childers discovered that multiple people have been posting online about this judge for years. The amended legal brief contains proof. Mr. Childers also began posting information online about this judge. Larry D. Willis, Sr. was made aware that Mr. Childers was involved in these actions by their mutual friend. This combined with the federal complaints that Mr. Childers has filed has caused him to

experience prejudice and created a phenomenal amount of debt. All of this and much more is proven by his over-sized brief. This district court should grant this Motion for leave to amend as well as the Motion for leave to file an oversized brief so that Mr. Childers can prove all of the facts.

### **III. ARGUMENT**

8. A plaintiff is subject to the tremendous burden of proving jurisdiction. A jurisdictional statement provides a complete jurisdictional summary which is a key factor to pierce the veil of immunity. A limited jurisdictional statement in this matter would surely doom this action to a dismissal due to a lack of standing. Limitations in this matter will hinder fair justice. This district court should grant this Motion for leave to amend, the Motion for leave to file an oversized brief as well as the Motion for leave to file an over-length brief.

9. This amended brief will give this district court full authority and jurisdiction over the plaintiff's claims. The



plaintiff's case meets all of the prongs of standing and exceptions to the Younger Doctrine along with the Rooker-Feldman Doctrine. This district court will not be able to abstain from this case. This amended brief should provide the court with full authority over this matter.

10 Mr. Childers has discovered that the Commonwealth of Virginia is not only violating one federal statute, two newly revised statutes are being violated on an ongoing basis. Federal statutes 45 CFR § 302.56 (c)(3) and 45 CFR 303.6 (c)(4) were revised in 2016 to ensure constitutional protections. The Commonwealth of Virginia is violating both statutes with impunity. The amended over-sized, over-length complaint proves this without any doubt.

11. This amended complaint will describe and prove personal/official relationships between judges, state officials, private attorneys, and the plaintiff's ex-wife. While this seems a bit outlandish, I can assure the court that it is true. This has

caused attempts to receive a state remedy by the plaintiff to be blocked.

12. This amended complaint highlights the plaintiff's exhaustion of remedies. The plaintiff has included a letter which was a reply from his letter to President Obama and Vicky Turetsky. Reply letters from Tim Kaine and Mark Warner have been included. A recent letter from The Department of Justice has also been included. His interaction with other government officials is explained in detail. This amended complaint proves that Mr. Childers has put in a massive amount of effort in his struggle to seek relief. This district court should grant leave of these Motions.

13. This amended complaint repairs defects and deficiencies. Mr. Childers had some of the dates wrong. Mr. Childers investigated the exact dates extensively by checking old text messages, emails and Facebook messages.

14. This amended complaint includes proof that multiple people have made posts online about one of the defendants. Some of the posts mention the desire to file a complaint in the federal courts against this judge. Many of them hid their identities due to the fear of retaliation. However some of them posted their phone numbers or email address for others to contact them. This is how Mr. Childers located Adrien Mewhinney. Adrien Mewhinney is a former U.S. Army soldier. He claims that Judge Larry D. Willis, Sr. discriminated against him because of his status in the military with regard to visiting his children. Adrien Mewhinney states that this has caused him to suffer from depression. Mr. Childers has added Adrien Mewhinney on the witness form.

15. This amended complaint informs the court that Virginia is one out of only six states that participate in a federal grant program titled “Procedural Justice Informed Alternatives to Contempt Project”. The project aims to provide alternatives to incarceration for contempt of child support. The

Commonwealth of Virginia enjoys federal funds for this program but did not provided the plaintiff with an alternative to contempt in his child support case.

16. This amended complaint provides details of the mental agony and distressed imposed on Mr. Childers due to the lack of procedural safeguards that ensure constitutional protections. Mr. Childers was imprisoned unconstitutionally for 6-months. He was put on suicide watch on two occasions. Mr. Childers suffered a serious injury while in jail. Mr. Childers now owes the jail over \$300.00 for rent and is already buried in a massive amount of debt.

17. Details of criminal actions of conspiracy have been added to the amended version. In this amended complaint Mr. Childers requests an investigation be conducted by federal law enforcement.

18. Mr. Childers has added a request for a declaratory judgment.

19. Mr. Childers has added a request for a certification of class in accordance with Rule 23, Class Certification.

20. This amended brief is a hefty 35,239 words and 253 pages. This amended brief is informative and contains no repetitive legal jargon like most frivolous lawsuits. The amended brief provides the full factual details of the Plaintiff's ordeal.

21. These people took everything from me. I can not live. They destroyed my life, took away my dignity. I am in the Snap food program. I never had to get food stamps in my life. I was always too proud. I have nothing. I live horribly like this.

## CONCLUSION

22. For the reasons identified above, Mr. Childers requests that the Court grant his Motions for leave to file the proposed oversized, overlength, amended complaint.

Respectfully submitted,

BY THE PLAINTIFF TROY J. CHILDERS

December 22, 2019

---

Troy J. Childers

# **EXHIBIT G51**

## **JUVENILE & DOMESTIC RELATIONS DISTRICT COURT MANUAL**

### **CHAPTER 2**

**Page 10**

#### **C. Judicial Disqualification**

**Source:**

**Office of the Executive Secretary**

- Prepare the case to include all case-related documents and attach the documents to the case papers.
  - Issue witness subpoenas and subpoenas *duces tecum*. In most civil matters, these may be issued by an attorney who is an active member of the Virginia Bar.
  - Generate a docket of cases to be heard on each court date through the automated Juvenile Case Management System.
  - Accept and account for prepayments prior to court for certain cases.
  - Respond to public inquiries concerning case status, court date, prepayment procedures, court procedures or other questions. With regard to a crime victim, the clerk must take care to assure that requests are honored for nondisclosure of residential address, telephone number, place of employment of victim and members of victim's family. [Va. Code § 19.2-11.2](#). A clerk must not disclose the residential address, telephone number, or place of employment of a person who is protected by a protective order issued for family abuse or acts of violence. [Va. Code §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10](#). In addition, the clerk must be careful to not disclose location or contact information of a party in a support case where a protective order has been issued or a court finds that there is reason to believe the party is at risk of physical or emotional harm from the other party.
  - Accept continuance requests, according to the court's policy.
- On the court date, the clerk's office will:
    - Assure that cases assigned to the respective court date are on the docket.
    - Verify that all of the case materials for cases on the docket are in order and ready for court on the court date.
    - Deliver the case materials for all cases on the docket to the court.

### C. Judicial Disqualification

If a district court judge is disqualified for any reason from participating in a case, neither the judge nor the clerk of the court may participate, directly or indirectly, in the selection of the judge who will be designated to preside over that case.

When a district court judge is disqualified for any reason, the judge shall enter an appropriate order of disqualification and send it to the chief judge of the district who will: (i) designate herself or himself or another judge of that court or district to preside over the case; (ii) designate a judge from another district if one is available or a retired district judge, from the Supreme Court's list of retired judges subject to recall, to preside over the case; (iii) designate a retired circuit judge, from the Supreme Court's list of retired judges subject to recall and who consents to the designation, to preside



over the case; or (iv) inform the Chief Justice of the Supreme Court of Virginia, who shall designate a judge to preside over the case. The chief judge may direct the clerk of the court to contact any judge or judges selected by the chief judge. If the chief judge is the judge who is disqualified or if all the judges in a district are disqualified because of a conflict of interest, the chief judge or the clerk of court shall forward a DC-91, [ORDER OF DISQUALIFICATION](#) along with the [JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT COVER SHEET REQUEST FOR DESIGNATION-RECUSAL CASE](#) to the Chief Justice of the Supreme Court of Virginia, who will designate a judge to preside over the case. Notwithstanding the foregoing, no substitute judge appointed pursuant to [Va. Code § 16.1-69.9:1](#) shall be designated to preside over any case where the regular judge is disqualified unless either the chief judge or the Chief Justice has determined that no active judge, or retired judge subject to recall, is reasonably available to serve.

#### **D. Cross-Designation**

An order of cross-designation permits a general district judge to sit as a juvenile and domestic relations district judge in his district or permits a juvenile and domestic relations district judge to sit as a general district judge. These orders permit one type of judge to cover for the other type in districts where a judge might not be available in each type of court every day. They also permit judges of one type of court to assist the judges in the other in order to relieve docket congestion.

The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the general district courts within the district. The chief juvenile and domestic relations district court judge of a district may designate any general district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the juvenile and domestic relations district courts within the district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which he is assigned. [Va. Code §16.1-69.35](#).

#### **E. Case Hearing, Judgment**

In court, a case may be continued to another date, tried, or dismissed. If the case is tried, the lawyers or the parties to the case plead their respective sides in the case. A general district court hearing may be tape recorded by a party or his lawyer. [Va. Code § 16.1-69.35:2](#). A case may not be heard on the trial date for a variety of reasons, including: