

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 1:25-cv-302

CHARITY MAINVILLE,)
)
Plaintiff,)
)
v.)
)
ANNA DE SANTIS, and DE)
)
SANTIS RENTALS, LLC,)
)
Defendants.)

**MOTION TO RECUSE
MAGISTRATE JUDGE L.
PATRICK AULD**

NOW COMES Plaintiff, Charity Mainville, pursuant to 28 U.S.C. § 455(a), and respectfully moves for the recusal of Magistrate Judge L. Patrick Auld from further proceedings in this matter. In support of this Motion, Plaintiff states as follows:

1. Under 28 U.S.C. § 455(a), a magistrate judge must disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
2. On April 28, 2025, Magistrate Judge Auld entered a Text Order denying Plaintiff's Motion for Authorization to File Electronically.
3. The Text Order denied Plaintiff the ability to electronically file based on a presumption that Plaintiff may not be capable of complying with

the Court's Local Rules and the Federal Rules of Civil Procedure, citing that "electronic filing requires compliance with numerous rules and procedures." Plaintiff has thoroughly reviewed all 19 pages of the Court's Electronic Case Filing Administrative Policies and Procedures Manual and respectfully submits that this characterization is misleading and exaggerated. Aside from the basic registration requirements through PACER and standard connection procedures, the additional rules for electronic filing primarily address straightforward technical matters such as proper service, searchable text, privacy redactions, file formatting, and the use of hyperlinks — not substantive legal procedures beyond those already required for traditional paper filing.

4. Plaintiff paid the full filing fee in this action and has no history of failing to comply with court rules.
5. Plaintiff has fully participated in litigating a separate case in North Carolina state courts, including the district court, Court of Appeals, and Supreme Court, exclusively using their respective electronic filing systems, and has also litigated a case before the Office of Administrative Hearings using its electronic filing system, all while working full-time.

6. Plaintiff has filed a detailed complaint in this action demonstrating her ability to meet federal pleading standards and her understanding of legal procedures. Plaintiff acknowledges the need to amend her complaint to remove Claim III, which was initially included to support her Motion for Temporary Restraining Order. With the denial of that motion, the claim is now moot.
7. The denial of Plaintiff's Motion for Temporary Restraining Order does not reflect a lack of legal knowledge. Plaintiff made a good faith effort to prevent further procedural abuse by the Defendants without immediately escalating the matter into constitutional claims against a state court, particularly while her state case remains active. Plaintiff is fully aware of the legal and strategic complexities involved in filing a claim under 42 U.S.C. § 1983, including the significant challenges associated with such claims and the financial burden of an additional filing fee.
8. If Magistrate Judge Auld had ruled on Plaintiff's motion with full impartiality, he would have reviewed Plaintiff's filings and seen that she has endured nine months of similar mistreatment and prejudicial assumptions during her proceedings in state court, which have caused severe psychological harm, exacerbated her documented complex post-

traumatic stress disorder (C-PTSD), and ultimately forced her to file an interlocutory appeal to protect her substantial rights. Plaintiff will not tolerate the continuation of such treatment in federal court, where impartiality and fairness are paramount. Plaintiff's experience further demonstrates that while represented attorneys may openly violate procedural rules without consequence when opposing pro se litigants, Plaintiff herself has diligently complied with all procedural requirements and has not filed a single improper motion or objection.

9. The imposition of a heightened burden on Plaintiff's right to electronically file, based solely on her pro se status, creates the appearance of judicial bias and unequal treatment.
10. Under FRCP 11(a), all parties must personally sign pleadings and are bound by identical procedural and ethical obligations regardless of representation status. Courts must apply equal compliance standards to pro se litigants without imposing additional burdens or undefined competency tests. The only difference between Plaintiff and an attorney is the right to represent others, not the right to self-representation.
11. Plaintiff has not voluntarily chosen to proceed pro se but was left with no reasonable alternative due to the limited availability of tenant

representation in the Triangle region of North Carolina, the prohibitive cost of securing private counsel, and ineligibility for legal aid assistance.

12. While Plaintiff acknowledges that Magistrate Judge Auld's order was made "without prejudice" and could theoretically be revisited, and that Plaintiff retains the option to request district judge review, the fundamental issue remains the clear bias demonstrated in the reasoning for the denial itself. The magistrate was aware of Plaintiff's ongoing state court proceedings, as referenced in the complaint, yet made no inquiry regarding Plaintiff's experience with electronic filing before imposing an undefined probationary period—a standard not applied to represented parties. This disparate treatment imposes immediate financial costs, time constraints, and logistical burdens on Plaintiff who must print, mail, and physically deliver documents despite living an hour away from the courthouse, while represented parties enjoy the efficiency of electronic filing. This bias is particularly troubling given Plaintiff's documented disabilities that are central to the underlying case.

13. The cumulative facts create a reasonable question as to Magistrate Judge Auld's impartiality at this early stage, particularly in pretrial matters where judicial discretion is significant. Research indicates that

"more than two thirds of the federal district courts permit self-represented litigants to use the court's electronic filing system at least on a case-by-case basis,¹" making the denial here particularly concerning. Given the magistrate's willingness to apply such burdensome standards to a simple electronic filing request, Plaintiff has reasonable concerns that she will become a target of the same prejudicial treatment she has suffered through over the last nine months in related proceedings.

14. In the event Magistrate Judge Auld declines to recuse himself, Plaintiff respectfully requests that the Court provide a clear and specific explanation of the basis for that decision. Given that the appearance of bias arises from treatment directed at Plaintiff's status rather than any legal or procedural deficiency in her filings, such transparency is necessary to preserve Plaintiff's confidence in the fairness of these proceedings and to support the integrity of the judicial process.

¹ See United States District Courts' Local Rules and Procedures on Electronic Filing by Self-Represented Litigants, Federal Judicial Center (2025), at p.1.

WHEREFORE, Plaintiff respectfully requests that Magistrate Judge L.

Patrick Auld recuse himself from this action pursuant to 28 U.S.C. § 455(a) to preserve the appearance of fairness and impartiality in these proceedings.

Respectfully submitted this 29th day of April, 2025.

Charity Mainville
Plaintiff, Pro Se