



authority or rule, and was issued solely by Appellate Clerk Eugene H. Soar—a named defendant in Appellant’s pending federal § 1983 litigation. The structure of the Court, as currently applied, deprives Appellant of constitutional protections and creates a pattern of retaliatory denial of court access.

### **FACTUAL BACKGROUND**

This appeal arises from an interlocutory order affecting substantial rights, and Appellant timely filed her notice of appeal in accordance with N.C. Gen. Stat. § 1-294. Throughout this appeal, dispositive orders have been issued without judicial signature or transparent basis, in violation of North Carolina statutes and controlling legal precedent—including precedent issued by this very Court.

On July 1, 2025, this Court issued an order purporting to dismiss the appeal and tax costs in the amount of \$364.25. The order was signed only by Appellate Clerk Eugene H. Soar. It does not identify the judicial officer(s) who purportedly authorized it, nor does it provide legal reasoning or cite any rule as the basis for dismissal. The cost assessment included unauthorized charges related to the printing of the Record on Appeal, despite no court order directing such action as required by Rule 12 (c) of North Carolina Rules of Appellate Procedure.

Clerk Soar is a named defendant in Appellant’s pending federal civil rights case under 42 U.S.C. § 1983, which challenges, among other things, his role in obstructing court access and issuing retaliatory, unlawful filings without judicial oversight. Appellant has previously moved for identification of judicial officers responsible for similar unsigned orders and was dismissed without reason. The July

1 order continues this constitutional defect and raises a credible concern that no judge reviewed or authorized the dismissal.

On June 27, 2025, Appellant filed a Motion to Disqualify Appellate Clerk Eugene H. Soar and opposing counsel David M. Yopp on grounds of conflict of interest, procedural misconduct, and appearance of impropriety. At the time the July 1, 2025 dismissal order was issued, that disqualification motion remained pending and unresolved. The Court subsequently dismissed the disqualification motion without explanation or judicial identification, implying mootness rather than addressing the serious constitutional concerns raised. The Court's decision to resolve the appeal while that motion was pending—and later dispose of it without adjudication—violates Appellant's right to a neutral tribunal and renders the July 1 dismissal procedurally and constitutionally defective.

Further, the July 1 dismissal—entered without judicial signature or legal basis—is now being cited in active federal litigation by Yopp's counsel as a defense to constitutional claims. The order was issued just two days before Yopp's federal answer was due, raising serious concerns of coordinated litigation strategy and structural bias. This strongly supports Appellant's claim that the dismissal was not a neutral adjudication, but a retaliatory act designed to preempt federal accountability and obstruct judicial review.

## **LEGAL ARGUMENT**

### **A. Supervisory Relief is Warranted Under N.C. Gen. Stat. § 7A-32(c)**

This Court has inherent authority to supervise its own procedures and protect the integrity of the appellate process. See *In re Redmond*, 369 N.C. 490, 493, 799 S.E.2d 379, 381 (2017). N.C. Gen. Stat. § 7A-32(c) authorizes the Court of Appeals to issue “any remedial writs necessary to give it general supervision and control over the proceedings of any of the trial courts of the General Court of Justice.” The statute has been interpreted broadly to allow the Court to protect its own jurisdiction and to intervene in proceedings where procedural irregularities undermine lawful adjudication.

Here, the July 1 dismissal order is facially void or at minimum procedurally defective. The failure to identify a judicial officer, provide legal reasoning, or issue the order in accordance with procedural due process undermines the legitimacy of the dismissal and prejudices Appellant’s right to appeal.

### **B. Due Process Requires Judicial Identification and Transparent Adjudication**

The Due Process Clause of the Fourteenth Amendment guarantees litigants the right to notice, a meaningful opportunity to be heard, and adjudication by a neutral and identifiable decisionmaker. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876–81 (2009); *Tumey v. Ohio*, 273 U.S. 510, 532 (1927). Where adjudicatory decisions are issued by individuals with an actual or apparent conflict of interest—such as a named § 1983 defendant—procedural fairness requires heightened transparency and safeguards. See also *Peters v. Kiff*, 407 U.S. 493, 502 (1972).

The July 1 order, entered without judicial signature and by a party directly implicated in the outcome, violates these constitutional guarantees. Even if the Court's internal procedures permit clerk-issued notices "by direction," such practices cannot override fundamental constitutional rights where bias, retaliation, or disability-based discrimination are at issue.

### **C. Continued Refusal to Identify Judicial Officers Undermines Appellate**

#### **Integrity**

The systemic refusal to identify the judges involved in dispositive rulings—despite Appellant's motions, public records and media requests—renders it impossible to assess impartiality or raise legitimate recusal concerns. This concealment frustrates Appellant's right to seek review and undermines confidence in the judiciary. The Court's own precedents require fair process and meaningful review. See *State v. Boone*, 310 N.C. 284, 311 S.E.2d 552 (1984) (appellate procedure must conform to due process and meaningful review standards).

### **D. The July 1 Order is Void Due to Failure to Rule on the Pending**

#### **Disqualification Motion**

Courts are prohibited from proceeding with substantive rulings while a motion to disqualify is pending. See *McConnell v. McConnell*, 151 N.C. App. 622, 627, 566 S.E.2d 365, 368 (2002) ("A judge should not rule on a matter in which his impartiality might reasonably be questioned. A party has a constitutional right to have its case tried before an impartial tribunal.") The motion to disqualify raised serious and specific concerns regarding bias, conflicts of interest, and retaliatory

behavior by the Clerk and opposing counsel. By proceeding to dismiss the appeal without addressing that motion, the Court deprived Appellant of her right to an impartial appellate process. The absence of any ruling, explanation, or judicial identification on the disqualification motion further underscores the structural due process violations requiring vacatur.

#### **E. The July 1 Order Also Violates the North Carolina Constitution**

The issuance of a dispositive appellate order without judicial identification, legal basis, or resolution of a pending disqualification motion violates multiple provisions of the North Carolina Constitution:

- a. **Art. I, § 18 (Court Shall Be Open):** This guarantees that courts “shall be open” and that “right and justice shall be administered without favor, denial, or delay.” Appellant’s efforts to seek relief have been met with unexplained dismissals, denial of access to judicial identification, and obstruction of due process—all while the Clerk remains a named federal defendant.
- b. **Art. I, § 19 (Law of the Land; Equal Protection):** Appellant has been denied equal protection and the law of the land by being subjected to structural court access barriers not applied to represented or nondisabled litigants. The Court’s actions have deprived her of liberty and procedural rights without legal justification.
- c. **Art. I, § 21 (Inquiry into Restraints on Liberty):** Appellant’s ability to challenge unlawful restraints on her legal claims has been suppressed by

orders issued without lawful authority and without meaningful remedy or explanation.

- d. **Art. I, § 3 (Internal Government):** The people of North Carolina have the exclusive right to regulate their government, but that right must be exercised consistent with the U.S. Constitution. Where appellate procedure is abused to conceal judicial authority and evade constitutional review, that balance is broken.

These constitutional violations, taken together with the federal violations identified above, require this Court to act under its supervisory power to vacate the order and restore lawful procedure.

### CONCLUSION

This Court cannot function with integrity where dispositive rulings are issued by a party to related litigation, no legal reasoning is offered, judicial identities are concealed, and constitutional claims are disregarded. Appellant has no adequate remedy apart from this motion. Supervisory intervention is both warranted and constitutionally required.

Moreover, if this Court has acted fairly, impartially, and in accordance with established law and procedure, then it should have no hesitation in standing by its rulings and disclosing the basis and authority for them. Transparency is essential to judicial legitimacy. Concealment, by contrast, invites constitutional scrutiny and

undermines public confidence. If the Court has nothing to hide, then it should not resist disclosure, explanation, or correction where warranted.

Should this Motion be dismissed or denied without judicial identification or written explanation, Appellant respectfully preserves her objection under the North Carolina and United States Constitutions. Such denial would further support Appellant's claim of structural denial of due process, access to the courts, and impartial review, and may be presented as additional evidence in pending federal proceedings and any subsequent review before the North Carolina Supreme Court.

WHEREFORE, Appellant respectfully requests that this Court:

1. Vacate the July 1, 2025 dismissal and cost order as void for lack of judicial authority and procedural compliance;
2. Identify any judicial officer(s) who reviewed or authorized the order;
3. Reassign this appeal to a known and impartial panel for further review; and
4. Grant such other relief as may be just and proper.

Respectfully submitted this the 3rd day of July, 2025.



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Plaintiff–Appellant, Pro Se