

23-2156

IN THE  
**United States Court of Appeals**  
**for the Fourth Circuit**

Richmond, Virginia

**ANDREW U. D. STRAW,** )  
*Appellant-Plaintiff, Pro Se,* )

v. )

**UNITED STATES,** )  
Appellee-Defendant. )

**CAMP LEJEUNE JUSTICE ACT**

**ORAL ARG. NOT REQUESTED**

---

Appeal from the United States District Court for  
the Eastern District of North Carolina, Southern Division  
Case No. 7:23-cv-00162-BO-BM  
The Honorable Judge Terrence W. Boyle

---

NOTICE RE TRIAL COURT REFUSAL TO GRANT CHANGE OF JUDGE

---



s/ ANDREW U. D. STRAW  
Putok Road, Apt. A  
Población II  
Bauan, Batangas 4201, The Philippines  
Telephone: +63-966-752-1875 / 1-847-807-5237  
andrew@andrewstraw.com

MAILING ADDRESS  
(PREFERRED ADDRESS FOR US MAIL)  
9169 W STATE ST STE 690  
Garden City, ID 83714-1733

SERVICE BY EMAIL (ENOTICE) PREFERRED

I, *Appellant* Andrew U. D. Straw, make this NOTICE and suggestion:

1. I suggested that this Court may wish to remove Judge Boyle from CLJA cases in my opening brief ([Dkt. 7-1](#)). I suggested that he should be removed from my case on page 4 of my Docketing Statement ([Dkt. 6](#)).
2. I filed an affidavit with the Court below to **change my presiding trial judge** as the U.S. Code allows one time. [Dkt. 66](#). 28 U.S.C. §§ [144](#) & [455\(a\) or \(b\)](#).
3. The Clerk below refused immediately, on the same day, despite my demonstrated good cause for that relief in an **affidavit I made under oath**. [Dkt. 70](#). The clerk's only reason for denying my affidavit was compliance with general Case Management Order [No. 2](#) in the [consolidated case](#).
4. The refusal to change my judge at [Dkt. 70](#) had the following language:

TEXT ORDER - [66] Motion - Affidavit and Request for Change of Judge is DENIED WITHOUT PREJUDICE pursuant to the Case Management Order No. 2, In re: Camp Lejeune Water Litigation, 7:23-CV-897. Signed by Peter A. Moore, Jr., Clerk of Court on 11/27/2023. (*Pro se* party has consented to receiving electronic service of all motions, notices, orders, and documents in civil cases in the Eastern District of North Carolina.) (Sellers, N.)

5. The District Court has repeatedly failed to listen to my facts and my legal arguments, stripped me of the right to make motions in my own case, and now a judge with **demonstrated hostility to disabled people** (especially disabled former court employees like me) is being allowed to continue as my judge, disregarding my affidavit and strong objections. Judge Boyle cannot be fair to me, showed it repeatedly, and **I reject him as a neutral arbiter in this matter since he appears incapable of being neutral and fair.**
6. The court below failed to act on my *IFP* application [over 9 months ago](#).
7. It denied me health care and education benefits justified by the long delay in this justice and my **proven presence at Camp LeJeune for 583 days and proven disabilities**

**caused by the toxic water.** It refused me declaratory relief in response to two separate motions I made.

8. At a certain point, one must simply admit that the only answer I can get to important questions from that judge I made via motion is **“NO, and we don’t need to tell you why.”**
9. That is the answer I have been getting over and over and over again.
10. Other EDNC judges are casually bandying about the idea that this justice will not happen for 20 MORE years for some people, and 1,900 years potentially.
11. You just know that I, a **disfavored disabled lawyer**, will be in that delayed group even though the damage in my life has been catastrophic.
12. Congress did not pass this law so those judges below could repeatedly act against and **deny the victims every time the victims ask for something.** CLJA, SEC. 804(b), **REQUIRES** relief from harms associated with the water.
13. I had a whole range of motions that were denied just because the Court wanted to restrict the right of ACTUAL VICTIMS to make motions in **their own cases**.
14. This Court needs to tell that Court that **relief from harm means right now**, not 20 years from now, not 2 years from now, not 1,900 years from now, with **victims dying every single month** due to the long delays:  
<https://www.cnn.com/2023/08/13/politics/camp-lejeune-water-contamination-pact-act>
15. My life has become an absolute shambles from this. [I lost my job](#) and [my law licenses](#), became divorced, am alienated from my children, and am estranged from my USMC father. My health is poor ([Dkt. 55](#)) with 6 mental illnesses and [broken bones](#) from face to ankle, teeth decaying because of the psychiatric medicines I take. My doctor and HHA are paid pittance, and even **my service dog has to wait for vet care.** ([Dkt. 20](#))

16. I live on [SSDI](#) in poverty in a household of 8 where 6 of those 8 are disabled. Thus, I live at about [32% of the federal poverty line](#) now for my household size of 8. I have no health care coverage because my [Medicare](#) does not work where I live and [CLFMP denied me](#) VA Health Care for Camp LeJeune victims over **sleeping off base at night** when I was poisoned there during the day.

17. **The Court below just doesn't care**, it seems.

18. I am not asking for things I don't deserve after this **disabled me and my daughter**, gave **my father lymphatic tumors**, and **killed my mother** with Camp LeJeune cancer while I was in my final year of law school. She died before I graduated.

19. I am in the position of a person **born there** right in the middle of it, exposed **before and after my birth**.

20. I expect a bit more **respect** and **willingness to help alleviate this suffering**, as the CLJA requires. My requests always have that as the underlying reason. Reduce the harms to me and my family and **provide justice that has been lacking for 70 years**. That is what Congress granted with this law and it is what I demand as a legitimate victim on the facts in every single motion I make.

21. No honest lawyer or judge should accept how I was treated as a proven poisoning victim along with my nuclear family, 3 generations.

22. I have lived a lifetime of pain and deprivation, rooted in my poisoning. I am in pain physically or mentally every day from this and I am very angry that **justice is withheld from me in America even with Congress and the president directing otherwise**.

WHEREFORE, I make this NOTICE that the Court below won't remove Judge Boyle despite every reason I have provided to do so in [Dkt. 66](#).

I, Andrew U. D. Straw, verify that the statements above are true and correct on penalty of perjury.

Signed this 28<sup>th</sup> day of November, 2023



ANDREW U. D. STRAW  
9169 W STATE ST STE 690  
Garden City, ID 837114-1733  
Telephone: (847) 807-5237  
E-mail: andrew@andrewstraw.com

### CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I electronically filed the foregoing **NOTICE** with the Clerk of Court using the CM/ECF system, which will serve the attached on all counsel of record. The government should be obliged to review the docket and appear and accept CM/ECF service now that I have made it aware of this appeal.

See, [Dkt. 19](#).

Nonetheless, I also mailed on the below date a copy of this document via U.S. Mail, First Class and Postage Prepaid, to the appellee at: P.O. Box 340, Ben Franklin Station, Washington, DC 20044-0340

Dated this 28<sup>th</sup> day of November, 2023



ANDREW U. D. STRAW  
9169 W STATE ST STE 690  
Garden City, ID 837114-1733  
Telephone: (847) 807-5237  
E-mail: andrew@andrewstraw.com