

IN THE  
**United States District Court for the  
Eastern District of North Carolina**

Southern Division

<b>ANDREW U. D. STRAW,</b>	)	Case#: 7:23-cv-162-BO-BM
<i>Plaintiff,</i>	)	
	)	Hon. Terrence Boyle
v.	)	Judge Presiding
	)	Hon. Brian Meyers
<b>UNITED STATES OF AMERICA,</b>	)	Magistrate Judge
<i>Defendant.</i>	)	
	)	<b>JURY TRIAL DEMANDED</b>

**AFFIDAVIT & REQUEST FOR CHANGE OF JUDGE**

COMES NOW, *pro se Plaintiff* ANDREW U. D. STRAW (hereinafter “Plaintiff”), individually, request the Clerk of Court to assign a new judge for this case under **28 U.S.C. §§ 144 or 455**, and so depose:

**FACTS & REQUEST**

1. I am a Camp LeJeune victim (**CLS23-004519**) along with my wrongfully dead mother (**CLS23-005185**) and my daughter with her scoliosis (Navy JAG Claim emailed on 8/20/2023).
2. I have experienced discrimination founded in my Camp LeJeune bipolar mental illness in my employment as the Statistical Analyst of the Indiana Supreme Court.<sup>1</sup>

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<sup>1</sup> *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (**Dkts. 22-44, 22-46**)

<https://www.courtlistener.com/docket/66619947/straw-v-linkedin-corp/>

3. Also, discrimination as a bar applicant,<sup>2</sup> and in retaliation by that Court.<sup>3</sup>
4. The Indiana Supreme Court **bans all people with disabilities from being lawyers or remaining lawyers** when the disability is revealed. Ind. Adm. & Disc. R. 23, SECS. 2(c) & 3(b). <http://ban.andrewstraw.com>
5. Thus, I am very much in the position of being a **former state court officer and employee**, hired by the Indiana State Court Administrator on authority of the Indiana Chief Justice in 2000, with my claims of disability discrimination. My own firing letter had pretextual types of insulting language without any evidence or corroboration.<sup>4</sup> The hiring letter<sup>5</sup> showed that this position involved serving over 400 state courts, the state legislature, every appellate judge and justice, and involved traveling to any court in the State of Indiana, all 92 counties. I was chosen out of a pool of about 500 applicants.<sup>6</sup>
6. When a reckless driver hit me head on and broke both my legs, my pelvis, ribs, hand, and skull in my face on my way to the Indiana Supreme Court to work on 2/22/2001, there was little genuine sympathy and just weeks after I

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<sup>2</sup> *Straw v. LinkedIn*, Dkts. 22-36, 22-37, 22-38, 22-40. (links to documents in above URL)

<sup>3</sup> *Straw v. LinkedIn*, Dkts. 22-5, 22-6.

<sup>4</sup> *Straw v. LinkedIn*, Dkt. 22-46.

<sup>5</sup> *Straw v. LinkedIn*, Dkt. 22-44.

<sup>6</sup> I was counsel to a billionaire interested in court record reform and served the dean of my law school. *See, Straw v. LinkedIn*, Dkts. 22-35, 22-39, 22-42, 22-43, 22-45.

returned, still using crutches, my supervisor chastised me for not generating an annual report during the 4 months I was in the hospital and convalescing at home. With my hip in excruciating pain, my disability parking was halted. I was asked to walk about 6 city blocks to and from work each day, meaning I was in severe physical pain every single day all day. It is important to show the damage<sup>7</sup> to give a sense of the pain the Indiana Supreme Court caused:



7.

(Right Hip of Andrew Straw, 2001-2012)

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<sup>7</sup> *Straw v. LinkedIn*, Dkt. 22-28.



8.

(Left Leg of Andrew Straw, 2001-2023)

9. Judge Boyle revealed his own bias toward a disabled person in much the same situation as me regarding disability and employment by a state court. Among my 6 mental illness conditions from Camp LeJeune, **Dkt. 55 (pp. 3-4)**, I have **anxiety** along with **bipolar** and **depression**.<sup>8</sup> The plaintiff in *Jacobs v. N.C. AOC*, 13-2212 (4<sup>th</sup> Cir. 2015) (Fourth Circuit Opinion, **p. 4**) had **social anxiety** and a **mood disorder**. Jacobs and I are practically the *same person* with the same state court employer discrimination background.<sup>9</sup>

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<sup>8</sup> *Straw v. LinkedIn*, **Dkts. 22-29, 22-30, 22-31**.

<sup>9</sup> The U.S. Supreme Court has held that state courts have discriminated based on disability back to the Founding Era. See: *Tennessee v. Lane*, 541 U.S. 509, 511, 525, 531 (2004)

10. Jacobs only lost her job while I lost my state supreme court job AND 5 law licenses AND had to resign another (VSB) because the discrimination never ended when I was fired, driving me into poverty. (*See, Dkts. 57-4, 49-2, & 58*).
11. Moreover, I was disabled driving to the Indiana Supreme Court to work, where I served every court in every county of that state and traveled to many of them directly myself. I was at all times a Camp LeJeune toxic poisoning victim with 6 mental illnesses and CNS problems (migraines) while working there. I also became a 9/11 Victim of the toxic dust at the beginning of October 2001 when I visited NYC in the affected area South of Canal Street, damaging my lungs and throat, *inter alia*. (VCF# 0260945).
12. I achieved my Indiana bar licensing with my bones broken head to ankle, 6 mental illnesses from USMC Camp LeJeune poisoning, with my throat and lungs hurting from 9/11 toxic dust exposure, and while serving every court in the State of Indiana, hired by the Chief Justice of Indiana. I challenge ANYONE to accomplish what I did under such circumstances.
13. I was **disabled from the crimes of others**, including the worst public water poisoning catastrophe in U.S. history (Camp LeJeune, 1968-1970), the worst terrorism act in U.S. history (9/11/2001), and a reckless driver as I drove to serve every court in the state of Indiana (2/22/2001).

14. Instead of courts aggressively acting to help and protect me, all I have had is denial and discrimination up to now.<sup>10</sup> That is why I live at 50% of the poverty line for my household size on SSDI<sup>11</sup> without any health coverage or cancer screening. (**Dkt. 56**).
15. The presiding judge here has denied me (**Dkt. 59**) cancer screening, health care, and education benefits in the form of loans with a lien on my damage award that I requested (**Dkt. 56**) and that I deserve as a Camp LeJeune victim. The presiding judge provided no explanation, no factual findings, and did not explain why he refused to “**relieve the harms**” from Camp LeJeune poisoning to me. CLJA, SEC. 804(b). He failed on both the facts and the law and his refusal to grant these benefits was **an abuse of discretion**. I have asked the Fourth Circuit to reverse<sup>12</sup> this **Dkt. 59** refusal and failures and to consider *removing* the presiding judge here from my lawsuit. Judge Boyle’s refusal to

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<sup>10</sup> I was denied CLFMP health care by the Federal Circuit. **Dkt. 58, FN1**. My Medicare does not work overseas. My settlement check after attorney fees and costs from the reckless driver was only 10% of the value of the damage because Indiana does not require enough insurance to drive. I was denied compensation in MDL-2218 and CLJA is meant to reverse these injustices. Now I am denied health care and cancer screening when both my parents had cancers from Camp LeJeune and my mother died of hers. *Straw v. U.S.*, 23-2156 (4<sup>th</sup> Cir.). I still await my 9/11 compensation after 5 months even with an expedited claim request. Federal and state courts have wholly failed to protect the property value in my 5 law licenses. <http://property.andrewstraw.com> The presiding judge is participating in a judicial branch **systemic denial of justice** specific to me and my injured family.

<sup>11</sup> *Straw v. LinkedIn*, **Dkts. 22-32, 22-33**.

<sup>12</sup> *Straw v. U.S.*, 23-2156 (4<sup>th</sup> Cir.)

grant me a mitigating loan is hurting me, my HHA, her children, and my service dog. *Straw v. U.S.*, 23-2156 (4<sup>th</sup> Cir.) (Dkts. 10, 20)

16. As the Fourth Circuit said about Judge Boyle in the similar case of a court employee with disabilities, *Jacobs v. N.C. AOC*, 13-2212 (4<sup>th</sup> Cir. 2015), “[T]he district court thus improperly resolved factual issues at the summary judgment stage, in contravention of well-settled law.” (p. 13)<sup>13</sup>

17. “The district court also erred by concluding that Jacobs was not disabled within the meaning of the ADA.” *Jacobs*, p. 16.

18. My presence at Camp LeJeune is already adjudicated. (Dkt. 58, FN1). My disabilities have already been adjudicated (Dkt. 58, FN2) and the U.S. government has conceded that I am disabled both physically and mentally.<sup>14</sup>

19. Many civil and human rights groups opposed the promotion of Judge Boyle to the Fourth Circuit,<sup>15</sup> including for how he has treated the **rights of disabled people**.

20. A judge who is biased against disabilities, disabled people, and their rights should not judge me as a disabled Camp LeJeune victim and I should be given a change of judge.

21. Because of the way Judge Terrence Boyle treated the disabled court employee in *Jacobs*, with failures of fact AND law, his impartiality may “reasonably be

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<sup>13</sup> Opinion Online: <https://www.ca4.uscourts.gov/opinions/published/132212.p.pdf>

<sup>14</sup> *Straw v. US. Dep't of State*, 19-2294-ELH, \*6-7 (D.MD 5/14/2020).

<sup>15</sup> <https://civilrights.org/resource/oppose-the-confirmation-of-terrence-boyle/>

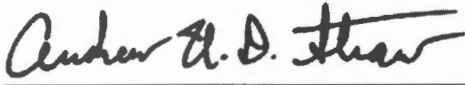
- questioned” regarding me, my disabilities from the crimes of others, and my accusations that state courts have discriminated against me, as in *Jacobs*, based on my 6 mental illnesses from Camp LeJeune poisoning. 28 U.S.C. § 455.
22. Given there is a consolidated case now (7:23-cv-897) and only a very few matters need to be decided to protect me in my lawsuit here, Judge Boyle has few things to decide and that is why 28 U.S.C. § 455(f) does not apply.
23. It appears the 4 judges of this District Court are dividing up the CLJA cases and it would cause no one any undue burden to shift my case from one CLJA judge to another.
24. Finally, it is relevant to note that Judge Boyle failed to rule on my Dkt. 2 *IFP* application filed on 2/21/2023, 9 months ago. The Fourth Circuit, by contrast, granted me *IFP* in case 23-1120 in February and again in my appeal of Dkt. 59. *Straw v. U.S.*, 23-2156 (4<sup>th</sup> Cir.) (Dkt. 8). My poverty and disabilities being twice the reason for *IFP* being granted this year by the Court of Appeals above this District Court, there was no excuse for not granting me the same status. This failure is more evidence of bias actuated via inaction (nonfeasance).

WHEREFORE, I request a single change of judge herewith per **28 U.S.C. § 144 or 455** due to Judge Boyle’s bias based on disability and against disabled state court employees who were fired on that disability basis, with my 6 mental illnesses from Camp LeJeune poisoning.



I, *pro se plaintiff* and *affiant* Andrew U. D. Straw, verify that the above factual contentions and statements are true and correct to the best of my knowledge, information, and belief, on penalty of perjury. Signed: **November 9, 2023**.

Respectfully,



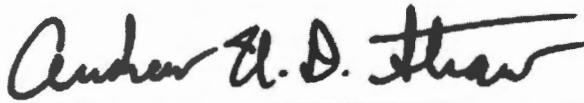
s/ ANDREW U. D. STRAW

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#### CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that on **November 9, 2023**, I sent this **AFFIDAVIT** via U.S. Mail to the Clerk of Court. CM/ECF will serve the defendants when the Clerk scans this document.

Respectfully submitted,



s/ ANDREW U. D. STRAW

*Pro Se Plaintiff*

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