

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

Kerby Stracco v. Townsquare Mark Center, et al.

Stracco · No. 1:25-cv-129 (PTG/IDD) · Decided March 31, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denied Plaintiff Kerby Stracco’s motions to transfer, for recusal, and for emergency injunctive relief. The court granted the Bozzuto Defendants’ motion to dismiss the Fair Housing Act reasonable-accommodation claims, denied their alternative motion for summary judgment as moot, and dismissed the claims against Caitland Roberts. Plaintiff was granted 21 days to amend the complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Patricia Tolliver Giles
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	March 31, 2026
DOCKET	1:25-cv-129 (PTG/IDD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a Fair Housing Act reasonable-accommodation action in federal district court. Defendants moved to dismiss under Rule 12(b)(6) or, alternatively, for summary judgment. Plaintiff moved to transfer, sought recusal of the district and magistrate judges, and requested preliminary injunctive relief and related intervention.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and determines whether the complaint states a plausible claim for relief. Pro se pleadings are construed liberally, but the plaintiff must still allege facts stating a cause of action. Venue transfer under 28 U.S.C. § 1404(a) requires that the action could originally have been brought in the transferee district. Recusal is evaluated under an objective reasonable, well-informed-observer standard.

PRECEDENTIAL VALUE	unpublished district court memorandum order; precedential status unknown
PARTIES	Kerby Stracco v. Townsquare Mark Center, Bozzuto Management Company, Reading Ave Owner LLC, Caitland Roberts, Equity Residential

TOPICS

motions to dismiss

reasonable accommodation

venue

civil procedure

injunctions

PRACTICE AREAS

civil procedure

fair housing

housing discrimination

judicial recusal

QUESTIONS PRESENTED

1. Whether the action could be transferred to the United States District Court for the District of Columbia under 28 U.S.C. § 1404(a).
2. Whether recusal was required under 28 U.S.C. §§ 144 and 455.
3. Whether the complaint plausibly alleged a Fair Housing Act failure-to-provide-reasonable-accommodation claim.
4. Whether Defendant Caitland Roberts was individually liable on the allegations in the complaint.
5. Whether Plaintiff should receive leave to amend the complaint.

HOLDINGS

1. Transfer was improper because Plaintiff did not allege that any defendant resided in the District of Columbia or that a substantial part of the events or omissions giving rise to the claims occurred there.
2. Recusal was not warranted because Plaintiff failed to show extrajudicial bias or that the court's impartiality might reasonably be questioned.
3. The complaint failed to state a plausible FHA reasonable-accommodation claim because it did not adequately allege that the requested accommodations were necessary to afford a disabled person an equal opportunity to use and enjoy housing, or that there was a sufficient nexus between the alleged disability and the alleged discrimination.
4. The claims against Caitland Roberts were dismissed because Plaintiff failed to allege sufficient facts establishing her liability.
5. Plaintiff was granted twenty-one days to amend the complaint to address its deficiencies and comply with Rule 8(a).

KEY QUOTATIONS

“This Court finds that transfer to the U.S. District Court for the District of Columbia would be improper because neither case could have been brought in that forum.” (at 7)

“To survive a motion to dismiss on an FHA discrimination claim, a plaintiff must plead facts that demonstrate a sufficient nexus between the alleged disability and discriminatory act—in this case, the denial of reasonable accommodations.” (at 10)

“Accordingly, it is hereby ORDERED that Plaintiffs Motion to Transfer (Dkt. 30), Emergency Motion for Preliminary Injunctive Relief, Consolidated Stay, and Judicial Intervention (Dkt. 37), and Motions for Recusal (Dkts. 28, 51) are DENIED;” (at 13)

“in deference to Plaintiff’s pro se status, Plaintiff is granted twenty-one (21) days leave to amend to address the deficiencies in the complaint and in compliance with Rule 8(a) of the Federal Rules of Civil Procedure.” (at 14)

FACTUAL BACKGROUND

Plaintiff lived with her husband and five children in an apartment at Townsquare at Mark Center in Alexandria, Virginia. Plaintiff sought accommodations relating to her husband’s disabilities, including flexibility concerning rent payments, waiver of transfer-related penalties, and waiver of a credit check for a transfer to another community. After management changed from Equity Residential to Bozzuto Management Company, Bozzuto indicated that it might waive lease-termination penalties but would not permit an intercommunity transfer without a new credit and criminal-background check. Plaintiff alleged that these actions violated the Fair Housing Act.

PROCEDURAL HISTORY

Plaintiff filed the action on January 23, 2025. Bozzuto Defendants moved to dismiss or for summary judgment; Plaintiff subsequently moved to transfer the case to the District of Columbia, sought recusal, and filed an emergency motion for injunctive relief. After Plaintiff failed to appear at the May 1, 2025 hearing, the court addressed the pending motions and later considered a renewed recusal motion filed in March 2026. The court denied the transfer, recusal, and emergency-injunction motions, granted dismissal, denied summary judgment as moot, and granted Plaintiff twenty-one days to amend.

DISPOSITION

other

CASES CITED

- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir.)
- Goines v. Valley Cmty. Servs. Bd., 822 F.3d 159, 166 (4th Cir.)
- Akerman v. Austin, No. 1:22-cv-696, 2022 WL 16700382, at *12 (E.D. Va. Nov. 3, 2022)
- In re Vogel, 158 F. App’x 425, 425-26 (4th Cir.)
- In re United Steelworkers, 595 F.2d 958, 960 (4th Cir.)
- Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)
- City of Martinsville, Virginia v. Express Scripts, Inc., 128 F.4th 265, 269 (4th Cir. 2025)

- Byerson v. Equifax Info. Servs., LLC, 467 F. Supp. 2d 627, 631 (E.D. Va.)
- Cavalieri v. Armor Corr. Health Servs., Inc., No. 1:17-cv-1204, 2019 WL 13331149, at *2 (E.D. Va. Feb. 25, 2019)
- In re Zaczek, 914 F.2d 1493, at *1 (4th Cir.)
- United States v. DeTemple, 162 F.3d 279, 286 (4th Cir.)
- United States v. Sellers, 566 F.2d 884, 887 (4th Cir.)
- Want v. Frei, No. 1:16-cv-660, 2016 WL 9138067, at *2 (E.D. Va. June 22, 2016)
- Adionser v. United States, No. 2:03-cr-81, 2014 WL 11513141, at *9 (E.D. Va. Sept. 8, 2014)
- In re Taylor, 417 F.3d 649, 652 (7th Cir.)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc., 637 F.3d 435, 440 (4th Cir.)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir.)
- Bracey v. Buchanan, 55 F. Supp. 2d 416, 421 (E.D. Va.)
- Sado v. Leland Mem'l Hosp., 933 F. Supp. 490, 493 (D. Md.)
- Hooker v. Disbrow, No. 1:16-cv-1588, 2017 WL 1377696, at *4 (E.D. Va. Apr. 13, 2017)
- Matarese v. Archstone Pentagon City, 761 F. Supp. 2d 346, 364 (E.D. Va.)
- Bryant Woods Inn, Inc. v. Howard Cnty., Maryland, 124 F.3d 597, 603 (4th Cir.)
- Hardaway v. Equity Residential Mgmt., LLC, 2012 WL 39034839, at *6 (D. Md. Sept. 6, 2012)
- Robinson v. Brickton Vill. Ass'n, Inc., 2021 WL 3674594, at *3 (E.D.N.C. May 14, 2021)
- Fedynich v. Lozano, No. 3:20-cv-260, 2021 WL 710368, at *10 (E.D. Va. Feb. 23, 2021)