

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:10-CV-28-FL

KEITH OTIS DUNN,)
)
Plaintiff,)
)
v.)
)
CITY OF ROCKY MOUNT, NORTH)
CAROLINA, et al.,)
)
Defendants.)
)

ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge William A. Webb, regarding defendants’ motion to strike the notice of appeal. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, defendants’ motion to strike is DENIED. However, any future filings on behalf of plaintiff will be stricken unless filed in compliance with Local Civil Rule 83.1(d). Furthermore, as noted in the M&R, the undersigned notes that Jeffrey Nowak, a licensed member of the North Carolina State Bar and general partner of Lucas and Nowak, LLP, filed plaintiff’s response to the motion to strike, even though Mr. Nowak has not filed a notice of appearance on behalf of plaintiff, as required under Local Civil Rule 5.2. Any future filings by Mr. Nowak will be stricken unless he files a notice of appearance pursuant to Local Civil Rule 5.2.

As a final matter, the face of the docket would suggest that plaintiff presently is represented

only by Brian K. McDaniel, even though recent filings on plaintiff's behalf have been made by Mr. Nowak and Harold Lucas. Although plaintiff's prior local counsel, Thomas F. Loflin, III, filed a motion for leave to withdraw on April 26, 2012, which was granted by the court on June 19, 2012, Mr. McDaniel has not filed a motion for leave to withdraw, as required by Local Civil Rule 83(g). Accordingly, Brian K. McDaniel is ORDERED to alert the court to the status of his representation and file the appropriate motion to withdraw within **five days** of entry of this order.

In addition to serving a copy of this order upon counsel of record, the Clerk of Court is directed to mail a copy of this order to Jeffrey Nowak and Harold Lucas, at the law firm of Lucas and Nowak, LLP, 2631 E. Geer St., Durham NC 27704.

SO ORDERED, this the 3rd day of September, 2012.


LOUISE W. FLANAGAN
United States District Judge