

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:14-cv-315-FL

JEFFREY WITHERSPOON, )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, WAYNE )  
JONES, DEBRA JONES, RAY KLINE, )  
ALTON WILLIAMS, LARRY E. )  
NORMAN, ALICE F. HUNTER, )  
FRANKLIN COUNTY SHERIFF, )  
FRANKLINTON CITY POLICE, JERRY )  
JONES, PAT GREENE, and JOSEPH B. )  
CUTHINS, )  
Defendants. )

**ORDER**

This matter is before the clerk on the “motion to see magistrate” filed by the pro se plaintiff Jeffrey Witherspoon [DE-13].

Mr. Witherspoon first initiated this action by filing a motion for leave to proceed in forma pauperis [DE-1] on June 2, 2014. That motion was denied by Magistrate Judge Kimberly A. Swank on June 5, 2014 [DE-3]. Mr. Witherspoon appealed [DE-4] Judge Swank’s order. The Honorable Louise W. Flanagan, United States District Judge, affirmed Judge Swank’s order, denied Mr. Witherspoon’s motion to proceed in forma pauperis, and directed Mr. Witherspoon to pay the requisite filing fee no later than August 8, 2014 [DE-5].

On July 14, 2014, Mr. Witherspoon filed a North Carolina General Warranty Deed dated February 14, 1996 [DE-6]. He subsequently filed a letter on August 21, 2014 [DE-8] stating that the deed should serve as security for his costs. In an order filed on August 29, 2014 [DE-9], Judge Flanagan found that the filing of a copy of a warranty deed did not in and of itself evidence security for costs, and explained that if Mr. Witherspoon intended to provide security

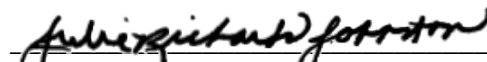
instead of advancing the filing fee, he “must show evidence of ownership, evidence of value, and appropriate lien documentation.” August 29, 2014 Order [DE-9] at 3. The order set a deadline of September 15, 2014, for Mr. Witherspoon to either pay the sum of \$400.00 or satisfy the clerk of court with respect to any plead of real property as security.

On September 15, 2014, Mr. Witherspoon filed a response [DE-11], attaching a copy of a deed of trust naming Resources Bancshares Mortgage Group, Inc., as the trustee, dated March 26, 1996 [DE-11-1]; a release dated October 27, 1999 [DE-11-1]; and a motion to release unclaimed funds in a bankruptcy matter [DE-11-2]. The undersigned found that Mr. Witherspoon failed to demonstrate evidence of ownership, evidence of value, and appropriate lien documentation to pledge real property as security. Because he also failed to pay the filing fee within the court’s deadline, the case was closed. See September 18, 2014 Order [DE-12]. Mr. Witherspoon did not appeal the undersigned’s order to the presiding judge or the Fourth Circuit of Appeals.

On February 8, 2016, Mr. Witherspoon filed the instant motion to see magistrate. The motion was referred to the undersigned at the direction of the court.

The case is closed, and the motion to see magistrate does not provide a basis for reopening the case. Accordingly, the motion [DE-13] is DENIED.

SO ORDERED. This the 29th day of September, 2016.

  
Julie Richards Johnston  
Clerk of Court