

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv225

**HELEN CLIETTE HOUEY and
EMMANUEL HOUEY,**

Plaintiffs,

vs.

**CAROLINA FIRST BANK,
TD BANK,**

Defendants.

ORDER

THIS MATTER is before the Court on the following:

1. The Motion for Substitution of Michelle Smith [Doc. 22];
2. A Reply to Opposition to Motion to Cancel Foreclosure Sale [Doc. 23];
and
3. A Motion for Emergency Injunctive Relief [Doc. 24].

Each of these documents has been filed by Michelle Smith (Smith). In the first document, she refers to herself as “a Plaintiff in this action” and claims that Plaintiff Helen Houey has “transferred her rights and privileges” to Michelle Smith. [Doc. 22]. Smith asks that she be substituted as the named

plaintiff instead of Helen Houey.

In the second document, Smith purports to file a Reply to the Defendant's Response and Brief Opposing Plaintiff's Motion to Cancel Foreclosure Sale. [Doc. 14].

In the third document, Smith purports to file a Motion for Emergency Injunctive Relief to stop a state court foreclosure action. [Doc. 24].

By Order entered on November 8, 2011, the Court ruled that Smith could not represent Helen Houey in this action. [Doc. 18]. It was noted in that Order that Mrs. Houey had not moved for leave to amend the Complaint to add Smith as a party and that Smith had not moved for leave to intervene in this action. [Id.]. It was further noted that Smith could not in any event represent Mrs. Houey. [Id.]. The named Plaintiffs, Helen and Emmanuel Houey, were provided notice of their right to respond to the Defendant's motion to dismiss the action and were advised of the time within which to do so. [Id.].

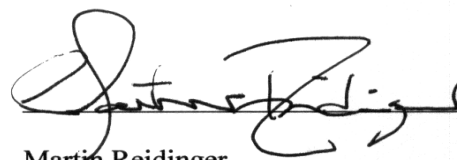
The documents filed by Smith will be stricken from the record. Neither of the Plaintiffs has moved for leave to amend the Complaint to add a party plaintiff. Smith has not moved for leave to intervene in the action as a party. Moreover, no such motion or ruling thereon would entitle Smith to represent either of the Plaintiffs who appear in this action *pro se*.

Smith is hereby placed on notice that if she continues to make unauthorized filings in this action purporting to be a party plaintiff without having been granted leave to intervene, she may face sanctions imposed by this Court pursuant to its inherent authority. 28 U.S.C. §1651. Smith is further placed on notice that if she continues to purport to represent either or both of the named Plaintiffs, she may face additional sanctions including those for the unauthorized practice of law. Smith is heartily encouraged to consult an attorney.

IT IS, THEREFORE, ORDERED that each of the following documents are hereby **STRICKEN** from the record:

1. The Motion for Substitution of Michelle Smith [Doc. 22];
2. A Reply to Opposition to Motion to Cancel Foreclosure Sale [Doc. 23];
and
3. A Motion for Emergency Injunctive Relief [Doc. 24].

Signed: November 28, 2011


Martin Reidinger
United States District Judge

