

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12cv173**

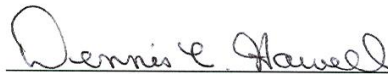
**RICHARD W. IRBY and RACHEL
GEORGE,**)
)
)
 Plaintiffs,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)
 _____)

ORDER

Previously, the Court granted the motion to withdraw filed by prior counsel for Plaintiffs, Mary Euler. (Order, Dec. 12, 2012.) The Court also directed Plaintiffs to either obtain new counsel or notify the Clerk in writing of their intention to proceed *pro se*. Plaintiffs Richard W. Irby now moves this Court for an extension of time to seek and obtain counsel and seeks leave to represent himself and his wife *pro se*. The Court **GRANTS in part** the motion [# 16] to the extent Plaintiff seeks to extend the deadline for making Rule 26 disclosures. Plaintiffs shall have until January 18, 2013, to serve their Rule 26 disclosures. No further extensions shall be granted as to this deadline as Plaintiffs have had ample time to find new counsel in this case. They must either proceed with the litigation of this case *pro se* or request a voluntary dismissal without prejudice.

The Court **DENIES** the motion [# 16] to the extent Plaintiff Richard Irby seeks leave to represent his wife *pro se*. It is well settled that a *pro se* litigant may not represent another individual or legal entity in federal court. See Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975); Myers v. Loudoun Cnty. Public Schs., 418 F.3d 395, 401 (4th Cir. 2005); Wiggs v. Ozmint, No. 9:10-863-MBS-BM, 2010 WL 2541076 (D.S.C. May 24, 2010); Wittelsey ex rel. Whittelsey v. Lodgian Hotels, Inc., No. 9:08-0985-MBS, 2009 WL 2477295 (D.S.C. Aug. 10, 2009). If Plaintiff Rachael George wishes to proceed *pro se* in this case, she must file a written intent to do so within ten (10) days of the entry of this Order. In addition, both Plaintiff Irby and George must separately sign each pleading filed; Plaintiff Irby may not sign pleadings on behalf of Plaintiff George. If Plaintiff George fails to comply with this Order, the Court will recommend that the District Court dismiss Plaintiff George as a party to this action.

Signed: January 4, 2013



Dennis L. Howell
United States Magistrate Judge

