

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12cv328**

**CARL E. MCADOO, EXECUTOR FOR )  
THE ESTATE OF CHARLES RAFORD )  
MCADOO, SENIOR, DECEASED, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )**

**ORDER**

Pending before the Court is the Motion for Reconsideration [# 64]. Plaintiff moves to reconsider the Court’s February 3, 2014, Order. The Court **DENIES** the motion [# 64].

**I. Analysis**

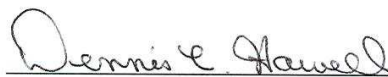
Previously, the Court denied without prejudice two Motions to Dismiss and directed Plaintiff to obtain counsel within thirty (30) days of the entry of the Court’s Order. (Order, Feb. 3, 2014.) The Court held that Plaintiff could not proceed in the action pro se as the Executor of the Estate of Charles McAdoo, Sr. (Id.) Plaintiff, however, failed to obtain counsel as directed by this Court. Instead, Plaintiff now moves the Court to reconsider its Order and allow him to proceed pro se in this case.

As Plaintiff acknowledges in his pleadings, there are three potential beneficiaries to the proceeds from any wrongful death recovery. One of these potential beneficiaries, however, has purported to sign a release of any such proceeds. Upon a review of Plaintiff's Motion for Reconsideration, the record, the Court's prior Order, and the relevant legal authority, the Court finds no grounds for reconsidering its prior Order. Accordingly, the Court **DENIES** the Motion for Reconsideration [# 64].

## **II. Conclusion**

The Court **DENIES** the Motion for Reconsideration [# 64].

Signed: March 12, 2014



Dennis L. Howell  
United States Magistrate Judge

