

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13cv4-MR-DSC**

CHARLES T. LEE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
NORFOLK SOUTHERN)	
RAILWAY COMPANY,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on an untitled document filed with the Court that begins with a heading that reads “Notice to Agent is Notice to Principal” (hereinafter “Notice”). [Doc. 54].

On February 16, 2016, Plaintiff’s counsel were permitted to withdraw from further representing him. [Doc. 53]. No substitute counsel has made an appearance. On April 20, 2016, a package was delivered to the chambers of the undersigned by the United Parcel Service. The UPS package contained two envelopes identified by the sender, respectively, as “Packet #1” and “Packet #2 Attachments to Packet #1.” Enclosed within Packet #1 was a 39-page document identified herein as the Notice. The second packet contained a collection of documents, some possessing exhibit labels. Based

upon the sender's label, these appear to be the exhibits to the Notice. The chambers staff of the undersigned has now delivered the contents of this package (Notice and exhibits) to the office of the Clerk of this Court for filing in this matter.¹

The Notice shows on its face to be presented by one who identifies himself as "Charles-Tyrone: Lee©" (herein "Movant"). Movant states he is "a living, breathing, flesh and blood Man, and [a] separate, distinct and discrete being from" the Plaintiff in this matter. Despite this assertion, there is nothing in the Notice to indicate that the Movant is a different person or separate legal entity from the Plaintiff, Charles T. Lee.

The contents of the Notice are a jumble of statements and allegations (e.g., "Felonies and Indictable Offenses" and "Notice of Intervention") obviously prepared by one who has had no training in the law and who has no understanding of Federal Court procedures. The Notice appears to seek relief against Defendant Norfolk Southern Railway Company based upon allegations contained therein, but which allegations are not otherwise before this Court. Therefore, the Court will deem the Notice to be a Motion to

¹ Page 1 of the Notice references two file numbers for cases in this District, "1:11cv245" and "1:13cv4-MR-DSC." Since case file 1:11cv245 is closed, and since the signatory to the Notice appears to be seeking relief in case file 1:13cv4-MR-DSC, the Clerk has been directed to file the contents of the UPS package on the Docket in this case.

Amend the Complaint in this matter, and will allow the Defendant fourteen (14) days to respond to such motion.

Movant, not having obtained leave to present such allegations, is premature in seeking any relief based these new allegations. Therefore, except to the extent the Court will consider the Notice as a Motion to Amend, any motion or action of the Movant seeking any further relief will be denied as premature.

The Movant did not file the Notice with the Clerk of this Court, as required by the Rules of Procedure, the Local Rules and by the law. The Movant only sent the document to the chambers of the undersigned. Neither the Judge nor his chambers staff are the agents for the parties, or for the Clerk of the Court, for the delivery of documents for filing. For this reason, any further documents sent to chambers will be returned to the sender. Movant is responsible for getting all documents filed with the Clerk of this Court in a timely manner.

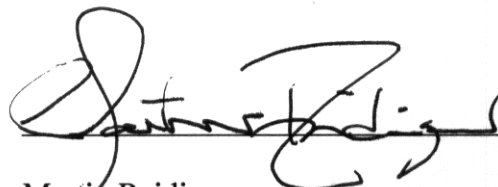
ORDER

IT IS, THEREFORE, ORDERED that the Notice [Doc. 54], is hereby deemed to be a Motion to Amend the Complaint, and the Defendant shall respond to such motion within 14 days from the entry of this Order.

The Clerk is directed to forward a copy of this Order to the Plaintiff via regular mail at the address shown on the Docket of this case and at the address(es) shown on the Notice.

IT IS SO ORDERED.

Signed: April 26, 2016


Martin Reidinger
United States District Judge

