

DISTRICT COURT OF THE UNITED STATES  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
1:13-cv-183-FDW

TERRANCE L. JAMES-BEY, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on Petitioner’s Pro se Motion to Dismiss and Amend (Doc. No. 5), filed on January 4, 2016, in which Petitioner seeks to “perfect and resubmit these matters for reconsideration.” Petitioner’s motion will be denied as non-justiciable and moot because this Court already dismissed this action without prejudice on July 15, 2013, finding that this action was duplicative of another petition filed by Petitioner under 28 U.S.C. § 2254. See (Doc. No. 3). That action is still pending and has been stayed pursuant to Petitioner’s own motion to stay so that he could exhaust his state remedies. See James-Bey v. Stancil, 3:13cv386 (W.D.N.C.). Petitioner complains in the motion filed in this case that the Court has taken no action as to his other § 2254 petition. However, the Court’s Order in the other action specifically instructed that “Petitioner shall promptly notify the Court when he has exhausted stated remedies and file a motion to lift the stay.” (Id., Doc. No. 5). If Petitioner wishes to move to lift the stay in that action, he should file a motion to lift the stay in the other pending action.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's Pro se Motion to Dismiss and Amend, (Doc. No. 5), is **DENIED**.

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

