

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:17-cv-00104-MOC-DLH

RONALD WAYNE SPANN,)
)
)
 Plaintiff,)
)
 Vs.) **ORDER**
)
)
 NORTH CAROLINA DEPARTMENT OF)
 PUBLIC SAFETY , et al.,)
)
 Defendants.)

THIS MATTER is before the court on a post-judgment letter from plaintiff, in which he states that counsel is attempting to charge him \$319.00 to either receive a copy of medical records received in discovery in this matter. As earlier found, this action was filed in violation of Rule 17(c), Fed.R.Civ.P., inasmuch as the 2009 power of attorney held by Ms. Land and relied on by Ms. Exum did not convey any litigation authority.

While Mr. Spann states that this Court “ordered all paperwork to be forwarded to” him, the Court does not specifically recall that directive and it is not reflected in either the Court minutes, the resulting court Order (#66), or the Court’s notes. Further, the Court has reviewed the raw transcript of the hearing and no such oral Order was entered. The following exchange did, however, occur:

THE DEFENDANT: Your Honor, Mary Exum had all my paperwork. I've put everything I have to her and I don't have a clue where it's all at.

THE COURT: I don't know where it is but I'm sure it can be found by whatever lawyer you have if they take the time to do it. Okay?

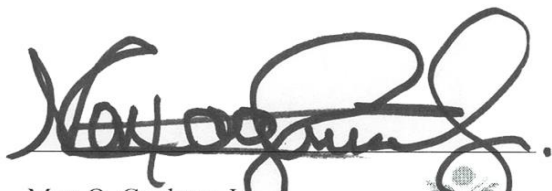
Raw Transcript, at p. 28. Thus, there is no order that counsel forward all paperwork to Mr. Spann.

At this point, the case is terminated, there is no Order either oral or written that has been violated, and there is no further relief this Court can grant. If Mr. Spann believes that counsel is improperly in possession of his records, is withholding copies of his records, or is attempting to collect improper costs in violation of the North Carolina Rules of Professional Conduct, his remedy is not with this Court, but with the North Carolina State Bar.

ORDER

IT IS, THEREFORE, ORDERED that to the extent plaintiff seeks relief from this Court in his letter (#71), such request is denied without prejudice as to pursuing such relief in an appropriate forum.

Signed: April 23, 2018



Max O. Cogburn Jr.
United States District Judge