

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-00139-MR**

DUSTIN LAMAR BINGHAM,)
)
 Plaintiff,)
)
vs.)
)
)
)
FNU GARLAND, et al.,)
)
 Defendants.)

)

ORDER

THIS MATTER is before the Court on Plaintiff’s letter. [Doc. 39].

Pro se Plaintiff Dustin Lamar Bingham (“Plaintiff”) is currently incarcerated at Marion Correctional Institution in Marion, North Carolina. Plaintiff filed a Complaint under 42 U.S.C. § 1983 against Defendants on April 26, 2019 based on alleged violations of the First, Eighth, and Fourteenth Amendments while Plaintiff was housed at Mountain View Correctional Institution. [Doc. 1]. On November 26, 2019, the Court allowed Plaintiff’s Complaint to proceed on his Eighth Amendment claim only. [Doc. 17]. The dispositive motions deadline is November 18, 2020. [10/20/2020 Text Order].

Now before the Court is Plaintiff's letter in which he requests "a court order to be shipped to another Institution [b]ecause correctional officers are going up to Mtn. View Correctional to help out due to covid-19 & they are coming back harassing [Plaintiff] about [his] lawsuit." [Doc. 39]. Plaintiff claims these officers are threatening to spit in Plaintiff's food and to hurt Plaintiff's family. [Id.]. Plaintiff states that he believes his life is in danger and that the Warden at Marion is not taking Plaintiff's concerns seriously. [Id.].

Plaintiff's letter, which the Court will construe as a motion for injunctive relief, is not well taken. First, all documents filed with this Court must include the case number at the top of the document. Second, all requests for relief must be filed in the form of a motion, not a letter, and should never be directed to the Clerk or to the Judge assigned to the case. Third, the relief Plaintiff requests relates not to the instant lawsuit, but to allegations of retaliation by officers at his current place of incarceration, Marion, for Plaintiff having filed this lawsuit against officers at Mountain View. As such, it is not within the purview of this Court to order the relief sought by Plaintiff under these circumstances. Plaintiff may, of course, file a new action under § 1983 based on the retaliation he alleges in his letter.

Plaintiff is advised that any future improper filings in this case will not be considered and will be stricken from the record in this matter.

ORDER

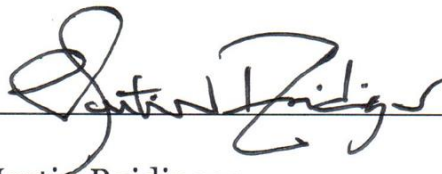
IT IS, THEREFORE, ORDERED that the Plaintiff's motion [Doc. 39] is **DENIED**.

IT IS FURTHER ORDERED that any future improper filings by Plaintiff in this case will not be considered and will be stricken from the record in this matter.

The Clerk is instructed to send a copy of this Order to the Warden at Marion Correctional Institution.

IT IS SO ORDERED.

Signed: November 10, 2020



Martin Reidinger
Chief United States District Judge

