IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:09-CV-459-RJC-DCK

SHEKHEM BEY,)
Plaintiff,)
v.	ORDER
ZURICH NORTH AMERICA INSURANCE CO.,)
Defendant.)
)

THIS MATTER IS BEFORE THE COURT on a filing by *pro se* Plaintiff that the Court will construe as a "Motion For All Financial Records" (Document No. 31) filed June 16, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

Pro se Plaintiff Shekhem Bey ("Plaintiff" or "Bey") initiated this action with the filing of a "Complaint" (Document No. 2) on October 26, 2009. On January 28, 2010, the Honorable Robert J. Conrad, Jr. issued an "Order" (Document No. 5) dismissing this action without prejudice, based on Plaintiff's failure to remit the filing fee or a completed application to proceed without prepaying fees. See also (Document No. 26, p.1).

On December 5, 2011, Judge Conrad issued an "Order" (Document No. 26) denying several subsequent motions by Plaintiff, including motions seeking financial records. The Court noted that "Plaintiff's eligibility to proceed without prepaying filing fees must be resolved before the Court can decide any other matter in this case. That issue is involved in Plaintiff's appeal and, therefore, this Court lacks jurisdiction over Plaintiff's case." (Document No. 26, p.2).

On February 8, 2012, the United States Court of Appeals for the Fourth Circuit issued an

unpublished *per curiam* opinion dismissing Plaintiff's appeal. <u>See</u> (Document Nos. 27 and 28).

The undersigned further observes that this case has been closed for over seven (7) years,

and that there has been no activity in this case for almost five (5) years. There is no indication that

Defendant has ever been served, or appeared, in this action. Moreover, Judge Conrad's dismissal

of this action for failure to remit a filing fee or completed application to proceed without prepaying

fees, has been affirmed by the Fourth Circuit.

The undersigned does not find a sufficient legal basis to re-open this matter, or to otherwise

consider or allow the relief Plaintiff seeks in the instant motion.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For All Financial Records"

(Document No. 31) is **DENIED**.

SO ORDERED.

Signed: June 25, 2017

David C. Keesler

United States Magistrate Judge