

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-215-RJC-DCK

FRED WOODROW MAUNEY, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 CRICKET/BOJANGLES COLISEUM,)
 CHARLOTTE REGIONAL VISITOR’S)
 AUTHORITY, EX-POLICE CHIEF)
 DARREL STEPHENS, OFFICER DOES)
 1 THRU 20, JOHN DOE SECURITY)
 OFFICER, PATRICK MCCRORY,)
 ANTHONY FOXX, JOHN LASSITER,)
 EDWIN PEACOCK, II, PATSY KINSEY,)
 JAMES E. MITCHELL, JR., WARREN)
 TURNER, MICHAEL, BARNES, NANCY)
 CARTER, ANDY DULIN, and)
 WARREN COOKSEY,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court upon Plaintiff’s First Motion for Bench Warrants, (Doc. No. 53), and Second Motion for Bench Warrants, (Doc. No. 57).

I. BACKGROUND

Plaintiff Fred Woodrow Mauney, Jr. (“Plaintiff”) filed a complaint against Defendants (“Complaint”), (Doc. No. 1), and a Motion to Proceed in Forma Pauperis, (Doc. No. 2), on May 2, 2011. On May 27, 2011, Plaintiff filed an Amended Complaint, (Doc. No. 4). On June 11, 2011, the Court granted Plaintiff’s Motion to Proceed in Forma Pauperis and stayed service of process pending a frivolity review by the Court, (Doc. No. 5). On November 29, 2011, the Court issued an Order, (Doc. No. 6), dismissing Plaintiff’s suits against Defendants Barack Obama, Campaign for Change, David Plouffe, Fox Charlotte, Bahakel Communications Ltd., and the

Charlotte-Mecklenburg Police Department as frivolous. Defendants filed Motions to Dismiss on May 14, 2012, (Doc. Nos. 35; 36), and a Motion for Sanctions as to Plaintiff on July 24, 2012, (Doc. No. 47), which remain pending before the this Court.

At issue here are Plaintiff's First Motion for Bench Warrants, (Doc. No. 53), filed on August 30, 2012, and Second Motion for Bench Warrants, (Doc. No. 57), filed on September 18, 2012.

II. ANALYSIS

Plaintiff's Motions request this Court to issue bench warrants for the arrest of, among others, President Barack Obama, Campaign Manager David Plouffe, Attorneys for the City of Charlotte Robert E. Hagemann and Daniel E. Peterson, Former Police Chief Darrel Stephens, Former Charlotte Mayor Patrick McCrory, Charlotte Mayor Anthony Foxx, and North Carolina Superior Court Judge Lane F. Williamson. Plaintiff alleges that the named defendants, some of whom have already been dismissed from this action, violated this Court's June 11, 2011 Order, (Doc. No. 5), granting Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs. Plaintiff argues that Judge Williamson committed "fraud upon the court" and showed "willful and wanton disregard" of this Court's Order on August 30, 2011 in State Court. (Doc. No. 57 at 3). Plaintiff attaches as exhibits a "You Tube" video of the North Carolina State Court Proceedings and a copy of the transcript, which he contends indicate bribery of public officials and fraud. Plaintiff does not make any specific allegations against any of the other named defendants.

Plaintiff contends that this Court has the authority for such warrants under 18 U.S.C. § 401, which provides as follows:

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as--

- (1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
- (2) Misbehavior of any of its officers in their official transactions;
- (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

The Court has reviewed the transcript of the proceedings and finds no violation of its June 11, 2011 Order allowing Plaintiff to proceed in this litigation without prepaying fees and costs. See (Doc. No. 5). Plaintiff's exhibits do not support his claim that the named defendants are in contempt of the Court's Order, and his conclusory allegations are insufficient to support his request. The Court finds that Plaintiff's Motions are lacking in factual basis, and are, therefore, **DENIED with prejudice.**

Plaintiff makes several serious and disturbing statements and threats in his Motions. Plaintiff states that the named defendants are public servants and "have sworn an[] oath of allegiance to the United States and to the State of North Carolina" and "that they have betrayed said oath and this by definition makes them traitors to said governments." (Doc. No. 57 at 6). Plaintiff further states that "outlaws, terrorist[s] and traitors can be shot and killed on sight. The above mentioned defendants appear to be guilty [of] all three." (Id. at 7). The Court takes threatening language extremely seriously, particularly when it is directed at public officials. The Court hereby admonishes Plaintiff that he shall not make any further threats to anyone in his filings. Failure to abide by this Court's Order may result in Plaintiff being held in contempt of court pursuant to 18 U.S.C. § 401.

III. CONCLUSION

IT IS, THEREFORE, ORDERED that First Motion for Bench Warrants, (Doc. No. 53), and Second Motion for Bench Warrants, (Doc. No. 57), are **DENIED with prejudice**. Plaintiff is further **ORDERED** that he shall not make any further threats to anyone in his filings.

Signed: September 28, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

