

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

JAMES D. W. CARR,

Plaintiff

v.

CIVIL ACTION NO. 2:12-0908

STATE OFFICIALS,

Defendants.

JAMES D. W. CARR,

Petitioner

v.

CIVIL ACTION NO. 2:12-0909

WARDEN DAVID BALLARD,

Respondent.

MEMORANDUM OPINION AND ORDER

The court has received three filings from James D. W. Carr, respectively, on January 14<sup>1</sup>, January 25, and February 1, 2013.<sup>2</sup>

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<sup>1</sup> The Clerk is directed to file the electronic copies of these three letters in both of the above-captioned actions. The January 14, 2013, letter, however, includes at pages 9 and 25 accusations of criminal misconduct aimed at third parties not before the court. The court has redacted those portions of the letter from the electronic copy sent to the Clerk today for filing. The Clerk is directed to place the original, unredacted January 14, 2013, letter under seal pending the further order of the court.

<sup>2</sup> The January 14, 2013, letter includes copies of separate letters previously sent to the Honorable Paul Zakaib, Jr., Presbyterian Medical Center, and multiple letters to the Warden at Mr. Carr's facility.

On August 17, 2012, the court entered its Judgments in these two actions denying, respectively, a petition for habeas corpus filed pursuant to 28 U.S.C. § 2254 and dismissing a claim filed pursuant to 42 U.S.C. § 1983. On October 9, 2012, the court received from Mr. Carr a letter-form request, which request was construed as a motion filed pursuant to Federal Rule of Civil Procedure 60(b) and denied.

To the extent that Mr. Carr seeks relief from the Judgments earlier entered in the case based upon events occurring in this district, he has not demonstrated grounds sufficient under Rule 60(b) to warrant relief. To the extent Mr. Carr complains about prison conditions and inadequate medical treatment at the Northern Regional Jail and Correctional Facility for ongoing physical ailments, including eye, hernia, and kidney conditions, he is required to pursue relief in the Northern District of West Virginia.<sup>3</sup>

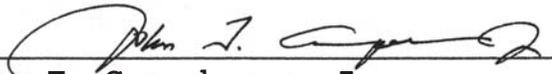
The court, accordingly, ORDERS that the aforementioned letter-form motions be, and they hereby are, denied, with leave for Mr. Carr to pursue his medical treatment and prison condition claims in the district of his incarceration if he so chooses.

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<sup>3</sup> Mr. Carr asserts that he was taken to Morgantown, West Virginia on January 8, 2013, and medically evaluated. The examining physician advised that Mr. Carr was losing his sight but that the condition could be slowed with treatment.

The Clerk is directed to forward copies of this written opinion and order to Mr. Carr, all counsel of record, and the Warden of the Northern Regional Jail and Correctional Facility.

DATED: February 8, 2013

  
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John T. Copenhaver, Jr.  
United States District Judge