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No. 23-3449

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Jul 27, 2023

DEBORAH S. HUNT, Clerk

STATE OF OHIO,

Plaintiff-Appellee,

v.

SHARDAYE JEACOLE MALIK BEY,

Defendant-Appellant.

ORDER

Plaintiff, proceeding pro se, appeals the district court's order remanding her state criminal action. The district court denied plaintiff pauper status on appeal on June 22, 2023. After failing to pay the \$505 appellate filing fee or file for pauper status in this court as instructed, the clerk dismissed the appeal for want of prosecution on July 17, 2023. Plaintiff moves for reconsideration and reinstatement of her dismissed appeal.

A review of the district court's electronic case docket reflects that plaintiff still has not paid the \$505 appellate filing fee nor has she filed an application with this court to proceed in forma pauperis on appeal. Plaintiff has thus not yet cured the deficiency that led to dismissal. Accordingly, the motion to reconsider the dismissal and to reinstate this appeal is **DENIED** without prejudice, and the appeal will remain closed.

ENTERED PURSUANT TO RULE 45(a)
RULES OF THE SIXTH CIRCUIT



Deborah S. Hunt, Clerk

SAppx1

SAppx2

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 07/27/2023.

Case Name: OH v. Shardaye Bey

Case Number: 23-3449

Docket Text:

ORDER filed: A review of the district court's electronic case docket reflects that plaintiff still has not paid the \$505 appellate filing fee nor has she filed an application with this court to proceed in forma pauperis on appeal. Plaintiff has thus not yet cured the deficiency that led to dismissal. Accordingly, the motion to reconsider the dismissal and to reinstate this appeal is DENIED without prejudice, and the appeal will remain closed.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Ms. Shardaye Jeacole Malik Bey
2001 Fox Run Trail
Apartment A
Sandusky, OH 44870

A copy of this notice will be issued to:

SAppx2

SAppx3

Case No. 23-3449

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

STATE OF OHIO

Plaintiff - Appellee

v.

SHARDAYE JEACOLE MALIK BEY

Defendant - Appellant

Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by July 7, 2023.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT**
Deborah S. Hunt, Clerk

Issued: July 17, 2023



SAppx3

SAppx4

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on July 17, 2023.

Case Name: OH v. Shardaye Bey

Case Number: 23-3449

Docket Text: ORDER filed to dismiss for want of prosecution for failure to pay filing fee. No mandate to issue.

The following document(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Ms. Shardaye Jeacole Malik Bey
2001 Fox Run Trail
Apartment A
Sandusky, OH 44870

A copy of this notice will be issued to:

Ms. Sandy Opacich

SAppx4

SAppx5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

State of Ohio,

Case No. 3:23-cr-00263

Plaintiff,

JUDGE JAMES G. CARR

v.

ORDER

Sharday Jeacole Malik Bey,

Defendant.

Pending is the Defendant's (Doc. 9) Rule 60 Motion for Relief from Order entered 6/22/2023. Because Plaintiff on 5/19/2023 filed a Notice of Appeal (Doc. 7) from my first order (Doc. 3), I have no jurisdiction over any further matters pending final adjudication of Plaintiff's appeal. Furthermore, Plaintiff shall file no further motions, pleadings, or other documents, and the Clerk shall except no such filings until further court order pending final adjudication of her appeal.

So ordered.

James G. Carr

Sr. U.S. District Judge

SAppx5

SAppx6

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

State of Ohio,

Case No. 3:23-cr-00263

Plaintiff,

Judge James G. Carr

v.

Sharday Jeacole Malik Bey,

ORDER

Defendant.

Pending is the Defendant's Rule 60 Motion for Relief from Order. (Doc. 9). As with all other pleadings that the Defendant has filed in the Court, this Motion has no merit whatsoever. So I deny it. Additionally, I direct the Clerk to accept no further filings or other communications in this matter from the Defendant. The Clerk shall return - unopened - any filings or communications from Defendant. This is so, because the Defendant has become a vexatious filer, who persists in improper behavior in this matter.

Defendant is also a defendant in a pending matter in the Norwalk, Ohio Municipal Court. On May 3, 2023, she improperly removed that case to this Court. On May 11, 2023, I remanded the case back to the Norwalk Municipal Court.

On May 19, 2023, Defendant filed a Notice of Appeal to the Sixth Circuit (Doc. 7). On June 22, 2023, I denied Defendant's motion to proceed on appeal *informa pauperis* (Doc. 8) due to the appeal's lack of any plausible merit whatsoever.

Thereafter, on July 6, 2023, Defendant filed a Rule 60 Motion for Relief from Prior Order. (Doc. 9). Defendant claimed I lacked jurisdiction as to hear the Motion for

SAppx6

SAppx7

Reconsideration. That was not so. I issued that Order before Defendant filed the Notice of Appeal.

In any event, the Court of Appeals dismissed Defendant's appeal for want of prosecution on July 17, 2023 (Doc. 11). If Defendant was correct that my earlier Order was improper, the Court of Appeals' decision removes any impediment to my again denying her prior Motion. Which I now do.

So the case has been remanded – and properly so – back to where it belongs: the Norwalk Municipal Court. Though, in my view, unnecessary to do, I will send it back again so there is no question where it belongs and where it shall remain.

Accordingly, it is hereby

ORDERED THAT:

1. The Defendant's Motion for Relief From Order (Doc. 9) be, and the same hereby, is denied; and
2. The Clerk shall accept no further filings or communications from Defendant, who has become a vexatious filer. The Clerk shall return any such documents to the Defendant unopened.

So ordered.

/s/ James G. Carr
James G. Carr
Sr. U.S. District Judge

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