

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

OSCAR CHILDRESS,)
)
 Plaintiff,)
 v.)
)
 CONTINENTAL CARBON COMPANY,)
 INC.,)
)
 Defendant.)

CASE NO. 3:11-cv-0997-MEF

(WO - Do Not Publish)

ORDER

Before the Court is the Motion to Withdraw as Plaintiff’s Counsel and to Stay this Action for 30 Days to Allow Plaintiff to Retain New Counsel (Doc. # 13), which was filed on September 20, 2012. On September 26, 2012, the Court entered an Order instructing Defendant Continental Carbon Company, Inc. to show cause in writing by October 5, 2012 as to why these motions should not be granted. (Doc. #14.) Defendant did not submit a response to this Order and, as such, the motion is treated as unopposed.

Accordingly, it is hereby ORDERED as follows:

1. The Motion to Withdraw as Plaintiff’s Counsel is GRANTED upon the CONDITION that all requirements set forth in Paragraph 2 below are met.

2. The Motion to Stay this Action is DENIED. Plaintiff’s former counsel is hereby instructed to give Plaintiff **immediate** written notice of this Order and to inform Plaintiff that this litigation is not stayed, but will continue with Plaintiff proceeding in this matter *pro se* until Plaintiff secures new counsel, if he so chooses. No later than **three (3)**

business days after entry of this Order, Plaintiff's former counsel shall also file a written certification with this Court, certifying in that Plaintiff's former counsel has complied with all the requirements set forth in the proceeding sentence. The Clerk of this Court is further instructed to **immediately** forward Plaintiff a written copy of this Order to the following address, which is on file with the Court: Oscar Childress, 115 Brierwood, Apartment 24, Borger, Texas 79007.

3. It is further ORDERED that, pursuant to 28 U.S.C. § 636(b)(1), this case is referred to United States Magistrate Judge Charles S. Coody for all pretrial proceedings and entry of any orders or recommendations as may be appropriate, unless and until Plaintiff secures counsel as a later date. Should any of the parties desire to seek an extension of any deadlines set forth in this Court's Uniform Scheduling Order (Doc. #11), such a motion may be made following reassignment of this matter to Judge Coody, as this cause will be transferred to, and corresponding deadlines will be set, in accordance with Judge Coody's trial terms.

DONE this the 22nd day of October, 2012.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE