

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JERRY DENTON

PLAINTIFF

v.

CASE NO. 3:16-cv-00242 JTK

CAROLYN W. COLVIN,
Acting Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Counsel's Motion to Withdraw as Attorney (DE #6). Counsel states that Plaintiff has refused to cooperate with counsel, and counsel has not been successful in contacting Plaintiff. According to counsel, Plaintiff initially stated he wanted to dismiss this federal case and agreed to sign and return the proper forms to initiate dismissal, but Plaintiff has since failed to follow through with his agreement.¹

The Court hereby orders Plaintiff to respond to counsel's motion. The Clerk is directed to send a copy of this Order and the Motion to Withdraw (DE #6) to Plaintiff at Jerry Denton, PO Box 564, Luxora, AR 72358. Plaintiff is advised that he shall within fourteen (14) days inform the Court whether (1) he has obtained new counsel who will enter an appearance, (2) he wishes to proceed *pro se*, (3) he seeks appointment of counsel,² or (4) he

¹On September 16, 2016, the Clerk of Court sent Plaintiff's counsel a deficiency letter notifying him that the Complaint lacked his signature. Counsel did not send the corrected document as requested. (DE #4)

²Plaintiff is advised that he can file a motion requesting appointment of counsel. However, before the Court can decide whether to appoint counsel for Plaintiff, he must show he has made

wishes to dismiss this case.

Should the Court grant counsel's motion to withdraw, Petitioner is further notified of his responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states in part:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice.

IT IS SO ORDERED this 27th day of October, 2016.


UNITED STATES MAGISTRATE JUDGE

a diligent effort on his own to find counsel to handle this case. Therefore, he is required to ask at least three attorneys, who are familiar with social security law, to take this case. Plaintiff is directed to submit an affidavit on or before November 30, 2016, stating the names of the attorneys he has contacted regarding this case, the dates he spoke with these attorneys, and why they declined to represent him. If the attorneys refuse the case for other than financial considerations, Plaintiff should continue to seek counsel.