

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DERROL DEE KIRBY, III

PLAINTIFF

v.

Civil No. 06-2168

JOHN ROTH, Ex-Chief of Police, Barling, Arkansas
Police Department; LARRY MERCHANT, next in charge
under Police Chief, Barling Police Department;
CITY OF BARLING; KEVIN DOUGAN,
Barling Police Department Patrolman; JOHN
BARBOR, Barling Police Department Patrolman

DEFENDANTS

ORDER

Now before the Court is the Motion to Withdraw (Doc. 37) filed by Jacob Hargraves. Also before the Court is the Response in Opposition (Doc. 40) filed by the Plaintiff. Mr. Hargraves advises the Court he has left the firm of Newell and Hargraves, and seeks to withdraw as counsel. C. Burt Newell and Ralph Ohm shall remain as counsel of record for this case. Plaintiff opposes the withdraw of Mr. Hargraves, as it appears he fears a delay of the case. However, no extensions of time have been requested due to Mr. Hargraves' motion to withdraw. Additionally, the Court finds no prejudice to Plaintiff by Mr. Hargraves' Motion being granted.

Upon due consideration and for good cause shown, the Motion to Withdraw (Doc. 37) is hereby GRANTED and the Clerk of court is directed to remove Mr. Hargraves as attorney of record for the Defendants. Mr. Newell and Mr. Ohm shall remain as counsel of record.

IT IS SO ORDERED this 21st day of December 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE