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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 KELVIN X. SINGLETON,

12 Plaintiff,

13 vs.

14 S. LOPEZ, et al.,

15 Defendants.
16

1:08-cv-00095-AWI-GSA-PC

ORDER DENYING SUBSTITUTION
OF ATTORNEYS
(Doc. 213.)

ORDER STRIKING NOTICE
REGARDING SETTLEMENT
(Doc. 214.)

17 **I. BACKGROUND**

18 This is a civil action filed by Kelvin X. Singleton (“Plaintiff”), a state prisoner
19 proceeding pro se. Plaintiff filed the Complaint commencing this action on January 18, 2008.
20 (Doc. 1.) This case now proceeds with the Second Amended Complaint filed on February 12,
21 2009, against defendants Chief Medical Officer (CMO) A. Youssef; S. Lopez, M.D.; J.
22 Akanno, M.D.; S. Qamar, M.D.; Dr. Vasquez, M.D.; Registered Nurse II (RN) Ali; and RN
23 Wright-Pearson, on Plaintiff’s claims for deliberate indifference to his serious medical needs in
24 violation of the Eighth Amendment, for delay in providing effective treatment for Plaintiff’s
25 back pain, and failure to respond to Plaintiff’s eye pain and swelling. (Doc. 26.)

26 On August 7, 2014, Attorney Ashley N. Johndro of Latham & Watkins LLP filed a
27 notice of appearance as counsel for Plaintiff. (Doc. 213.) Attorney Johndro also filed a notice
28 regarding settlement on behalf of Plaintiff. (Doc. 214.)

1 **II. SUBSTITUTION OF ATTORNEYS**

2 Plaintiff has not indicated whether he intends to substitute Attorney Ashley N. Johndro
3 to represent him in this action. However, should this be the case, Plaintiff may not substitute an
4 attorney in this manner. Plaintiff is presently proceeding in propria persona.¹ For Plaintiff to
5 substitute an attorney in place of himself as attorney of record, Plaintiff must submit a
6 substitution of attorneys document to the Court, setting forth the full name and address of the
7 new attorney, and signed by Plaintiff (as the withdrawing attorney and client) and the new
8 attorney. Local Rule 182(g). “All substitutions of attorneys shall require the approval of the
9 Court, and the words ‘**IT IS SO ORDERED**’ with spaces designated for the date and signature
10 of the Judge affixed at the end of each substitution of attorneys.” Id.

11 In the event that Plaintiff intends to retain his in propria persona status and continue
12 representing himself, his address of record shall reflect his address of residence. There is no
13 Federal Rule of Civil Procedure or Local Rule allowing service of Court and other legal
14 documentation at an address other than a pro se litigant’s actual address. Local Rule 131, Local
15 Rule 182(f), and Local Rule 183(b) require pro se litigants to inform the Court of their
16 addresses and to keep the Court informed of any change in their addresses.

17 **III. CONCLUSION**

18 Based on the foregoing, IT IS HEREBY ORDERED that:

- 19 1. The substitution of Attorney Ashley N. Johndro in place of Plaintiff, as
20 Plaintiff’s attorney of record, is DENIED;
- 21 2. The notice regarding settlement, filed on August 7, 2014, is STRICKEN from
22 the record as improperly filed;²
- 23 3. The Clerk of Court is DIRECTED to:
- 24 (1) Reflect Plaintiff’s status as a pro per litigant on the court’s docket;

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26 ¹A litigant proceeding in propria persona, or pro se, is one who represents himself in a court proceeding
without the assistance of a lawyer. Black’s Law Dictionary, 1256, 1258 (8th ed. 2004).

27 ² When a document is stricken, it becomes a nullity and is not considered by the court for any purpose.
28 (Informational Order, Doc. 5 at 1 fn.1.)

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(2) Change Plaintiff's address of record to:

Kelvin Singleton
H-86959
Calipatria State Prison
P.O. Box 5001
Calipatria, California 92233-5001

and

(3) Serve a copy of this order on:

Ashley N. Johndro, Esq.
Latham & Watkins LLP
12670 High Bluff Drive
San Diego, CA 92130

IT IS SO ORDERED.

Dated: August 8, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE