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7	UNITED STATES DISTRICT COURT	
8	EASTERN DISTRICT OF CALIFORNIA	
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10	RICHARD E. WILMSHURST,	1:08-cv-00858-WBS-SMS
11	Plaintiff,	ORDER GRANTING APPLICATION FOR
12	VS.	NONAPPEARANCE (Doc. 76)
13		ORDER DEEMING APPLICATION AS A RENEWED REQUEST FOR SUBSTITUTION
14	CITY OF ANGELS, et al.,	OF ATTORNEY FOR PLAINTIFF IN PROPRIA PERSONA (Doc. 66)
15	Defendants.	ORDER GRANTING RENEWED REQUEST
16	//	FOR SUBSTITUTION OF ATTORNEY FOR PLAINTIFF IN PROPRIA PERSONA
17		(Doc. 66)

18 On November 13, 2009, this case was reassigned from Fresno District Judge Lawrence J. O'Neill (LJO) to Sacramento Senior 19 20 District Judge William B. Shubb (WBS) (Doc. 34). On November 24, 21 2009, the pretrial conference was held telephonically before 22 Judge Shubb in Sacramento (Doc. 39). The 3-day jury trial was 23 held on December 10, 2009 (Doc. 49), December 11, 2009 (Doc. 50), 24 and December 15, 2009 (Doc. 53) before Judge Shubb in Fresno. On 25 December 16, 2009, judgment was entered in favor of defendant and 26 against plaintiff (Doc. 56). On January 14, 2010, plaintiff filed a notice of appeal (Doc. 58), which was dismissed by the 27 28 Ninth Circuit Court of Appeals on March 24, 2010 (Doc. 61).

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On August 24, 2010, plaintiff's counsel filed a fully executed Substitution of Attorney (Doc. 66). On August 27, 2010, Judge Shubb denied the substitution of attorney deeming, in part, that, "There is . . . nothing more pending before this court in this matter." However, since judgment was entered on December 16, 2009, there has been a steady stream of activity filed in this case.

8 On September 8, 2010, defendants filed a motion to compel 9 appearance of judgment debtor at deposition in aid of execution 10 of judgment (Doc. 68), currently set for hearing on November 19, 11 2010 at 11:00 a.m. before Judge Snyder (Doc. 73). However, on November 1, 2010, plaintiff's counsel, Kenneth Foley, filed an 12 13 Application for Nonappearance at the hearing on November 19, 2010 14 (Doc. 76), based on plaintiff's typed and signed statement 15 attached thereto as an exhibit (Doc. 76-1) discharging Mr. Foley 16 from representing Mr. Wilmshurst in this case effective September 17 9, 2010. In light thereof, the Court also deems Mr. Foley's Application for Nonappearance (Doc. 76) as a renewed request to 18 19 be relieved as counsel of record for plaintiff (Doc. 66).

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THEREFORE, IT IS HEREBY ORDERED that:

21 1. Mr. Foley's Application for Nonappearance (Doc. 76) at
22 the hearing set November 19, 2010 (Doc. 73) is GRANTED.

23 2. Mr. Foley is relieved as the attorney of record for
24 plaintiff, Richard E. Wilmshurst, based on plaintiff's typed and
25 signed statement attached as an exhibit to the Application (Doc.
26 76-1).

27 3. The Clerk's Office terminate Mr. Foley as the attorney28 of record for plaintiff.

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1	4. Plaintiff, Richard E. Wilmshurst, shall proceed in this	
2	case in propria persona, and the Clerk's Office shall enter Pro	
3	Se Plaintiff's information into the court docket as follows:	
4	Richard E. Wilmshurst 855 Gold Cliff Road	
5	Post Office Box 33	
6	Angels Camp, CA 95222 (209) 736-4566	
7	5. Plaintiff, Richard E. Wilmshurst, personally appear in	
8	propria persona on November 19, 2010 at 11:00 a.m. in Courtroom	
9	No. 7 for hearing as previously ordered (Doc. 73).	
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11	IT IS SO ORDERED.	
12	Dated:November 10, 2010/s/ Sandra M. SnyderUNITED STATES MAGISTRATE JUDGE	
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