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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY KNAPP,

CASE NO. 1:08-cv-01779-SMS PC

Plaintiff,

ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL FOR PLAINTIFF
KNAPP

v.

MATTHEW CATE, et al.,

(ECF No. 47)

Defendants.

I. Procedural History

Plaintiff Eric Charles Rodney Knapp (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on November 20, 2008. On February 14, 2011, an order was issued appointing Amy K. Guerra as counsel for the limited purpose of providing Plaintiff with assistance to present his argument for a temporary restraining order and, if appropriate, drafting and filing an amended complaint. (ECF No. 46.).

On March 10, 2011, counsel contacted the pro bono program director for the Eastern District of California and informed the program director that circumstances had changed and she would be unable to represent Plaintiff in this action. On March 16, 2011, Plaintiff’s counsel filed a motion seeking to withdraw as counsel for Plaintiff. (ECF No. 47.) More than twenty-one days have passed and Plaintiff has not filed a response to the motion. Local Rule 230(l).

II. Motion to Withdraw as Counsel for Plaintiff

Plaintiff’s counsel seeks to withdraw as counsel of record for Plaintiff due to changed

1 circumstances that have impaired her ability to effectively represent Plaintiff in this action. Ms.
2 Guerra is an attorney working for Alternative Defense Counsel, conflict counsel, for the County of
3 Fresno. Shortly after being appointed as counsel in this action her caseload was greatly increased
4 due to an unexpected staffing change in the office. This included a greatly increased trial caseload
5 causing her to be

6 An attorney who has appeared on behalf of a party in an action may not withdraw leaving the
7 client in propria persona without leave of court. Local Rule 182. Counsel has not made an
8 appearance in this action and notified the Court of the need to withdraw shortly after receiving
9 appointment. Plaintiff has not opposed Counsel's motion to withdraw. Therefore, good cause
10 appearing, Counsel's motion to withdraw shall be granted.

11 **III. CONCLUSION**

12 Based on the foregoing and good cause appearing, IT IS HEREBY ORDERED that:

- 13 1. Amy Guerra's motion to withdraw as counsel for Plaintiff, filed on March 16, 2011,
14 is GRANTED.

15 IT IS SO ORDERED.

16 **Dated:** May 5, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE