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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS BARBOZA,

Plaintiff,

v.

DEUTSCHE BANK SECURITIES,
INC., et al.,

Defendants.

1:10-cv-00559-OWW-MJS

MEMORANDUM DECISION REGARDING
COUNSEL'S MOTION TO WITHDRAW
(Doc. 37)

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On September 27, 2010, Plaintiff's counsel, Gary Lane, filed the instant Motion to be Relieved as Counsel in this action. Counsel represents that Plaintiff "has clearly expressed to Counsel that he does not authorize Counsel to proceed with litigation." Mr. Lane further represents that Plaintiff has not been in communication with Counsel's office. According to the declaration of Maribel Uriostegui, Plaintiff indicated on or about September 3, 2010 that he no longer wants to proceed with this litigation due to expense.

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California Rule of Professional Conduct 3-700 provides that an attorney who wishes to withdraw as counsel must provide due notice to the client. At oral argument, counsel conceded that, due to inadvertence, the instant Motion to Withdraw was not served on Plaintiff. Accordingly, the Motion to Withdraw is DENIED, without

1 prejudice.

2 IT IS SO ORDERED.

3 **Dated:** November 1, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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