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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
910 ANGIE MELISSA CASTRO, et al., CASE NO. 1:10-cv-00618-OWW-SMS
11 v. Plaintiffs, ORDER GRANTING CYPRESS, LLP, LEAVE
12 CITY OF MENDOTA, et al., TO WITHDRAW AS COUNSEL FOR
13 Defendants. (Doc. 61) DEFENDANT JAMES KERR d/b/a WEST
COAST AMMUNITION14
15 On March 28, 2011, Cypress, LLP, attorneys for Defendant James Kerr d/b/a West Coast
16 Ammunition moved to withdraw as counsel, citing Defendant's inability to continue to pay legal
17 fees (Doc. 61). Defendant James Kerr submitted a declaration in support of withdrawal, stating
18 his inability to pay further counsel fees. Defendants City of Mendota and County of Fresno have
19 filed a statement of non-opposition (Doc. 65). No other party has filed opposition.20 This court has reviewed the papers and has determined that this matter is suitable for
21 decision without oral argument pursuant to Local Rule 78-230(h). Having considered all written
22 materials submitted, the undersigned orders that the motion for leave to withdraw be granted.23 Attorneys may generally withdraw from representation upon the request of the client.
24 Local Rule 83-182(d) provides, in pertinent part, "Withdrawal as attorney is governed by the
25 Rules of Professional Conduct of the State Bar of California, and the attorney shall conform to
26 the requirements of those Rules." *See Cal.R.P.C. 3-700(C)(5)* (permitting an attorney to
27 withdraw from representation in a pending matter when the client "knowingly and freely
28 consents to termination of the employment").

California's rules require the notice of motion and declaration to be served on the client and all other parties who have appeared in the case. CRC 3.1362(d). All parties have been served with the notice of motion to withdraw filed by Cypress, LLP.

Defendant, James Kerr d/b/a West Coast Ammunition, is advised that failure to take appropriate legal action may result in serious legal consequences, and consideration of obtaining legal assistance is strongly advised.

In addition, a “corporation may appear in the federal courts only through licensed counsel.” *Rowland v. California Men’s Colony*, 506 U.S. 194, 202 (1993). See also Local Rule 183(a) (providing that a corporation or other entity may appear only by an attorney). A president or shareholder may not represent a corporation in court but must retain appropriate licensed counsel. *United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993), cert. denied, 513 U.S. 826 (1994).

Accordingly, it is hereby ORDERED that the Motion to Withdraw as Counsel for Defendant James Kerr d/b/a West Coast Ammunition, brought by attorneys Cypress, LLP, is GRANTED. Defendant, James Kerr d/b/a/ West Coast Ammunition, is hereby ORDERED to retain legal counsel within **thirty (30) days** from the date of service of this order.

IT IS SO ORDERED.

Dated: April 29, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE