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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD D. TOWNSEND,)	1:10-cv-1969 GSA
)	
Plaintiff,)	ORDER GRANTING COUNSEL’S MOTION
)	TO WITHDRAW AS ATTORNEY OF
v.)	RECORD
)	
MICHAEL J. ASTRUE, Commissioner)	ORDER REQUIRING PERSONAL
of Social Security,)	APPEARANCE OF PLAINTIFF
)	
Defendant.)	(Document 15)
)	

INTRODUCTION

Plaintiff’s counsel Denise B. Haley filed the instant motion to withdraw as attorney of record for Plaintiff Ricahrd D. Townsend on July 13, 2011. (Doc. 15.) The matter was heard on August 12, 2011, before the Honorable Gary S. Austin, United States Magistrate Judge. Ms. Haley appeared telephonically on behalf of Plaintiff. Lynn Marada appeared on behalf of Defendant. Plaintiff did not appear at the hearing or oppose the motion.

RELEVANT BACKGROUND

On October 19, 2011, Plaintiff Richard Townsend filed this action challenging the Commissioner’s denial of Social Security benefits. (Doc. 1.) The Commissioner lodged the

1 administrative record on March 1, 2011. (Doc. 11.) Plaintiff's opening brief is currently due
2 September 2, 2011. (Doc. 19.)

3 On July 13, 2011, Plaintiff's counsel Denise Haley filed a Motion to Withdraw as
4 Attorney of Record. (Doc. 15.) Counsel served her client at 2100 Virgilia Lane, Olivehurst, CA
5 95961 via first class mail on that same day. (Doc. 15 at pg. 8). Defendant has not opposed the
6 motion and Mr. Townsend has not filed a response to counsel's motion. At the hearing, Ms.
7 Haley also stated that on July 22, 2011, she sent Plaintiff correspondence informing him that she
8 would be appearing telephonically, that he should appear at the hearing, as well as advising him
9 that the opening brief was due on September 2, 2011. She did not receive a response from Mr.
10 Townsend.

11 DISCUSSION

12 In the motion, Ms. Haley contends that she attempted to contact Mr. Townsend numerous
13 times without success. She was eventually able to talk with him on the telephone on May 25,
14 2011. She is seeking to withdraw because after conducting an extensive review of the
15 administrative record, she and Plaintiff disagree on fundamental matters regarding his case. At
16 the time of their discussion, Plaintiff indicated that he wanted to hire new counsel. Ms. Haley
17 sent Mr. Townsend a letter on May 25, June 21, and July 6, 2011, advising him that he needed to
18 find new counsel, as well as a substitution of attorney form. She has not received a response
19 from her correspondence. Counsel seeks to withdraw because she believes that further pursuit of
20 the action could subject her to Rule 11 sanctions. To date, Plaintiff has not identified alternate
21 counsel, nor has he authorized dismissal of his case. Therefore, Ms. Haley has filed the instant
22 motion. Counsel requests that Plaintiff be given forty-five days to retain substitute counsel and
23 file an opening brief.

24 ORDER

25 This Court finds Plaintiff's counsel has demonstrated good cause to withdraw as
26 Plaintiff's counsel. Accordingly, counsel's motion is GRANTED and Plaintiff is
27 SUBSTITUTED in as counsel in pro se. Ms. Haley is DIRECTED to provide Plaintiff with the
28 complete administrative record and all pleadings on or before **Friday, August 26, 2011.**

1 Plaintiff is advised that the opening brief in this case is due no later than **September 2,**
2 **2011.** Plaintiff is cautioned that he no longer has the assistance of an attorney. He may wish to
3 seek further legal assistance. Further, Plaintiff appears to have moved and this Court may no
4 longer be the appropriate venue for this action. Accordingly, Plaintiff is ordered to *personally*
5 appear for a status conference in this Court on **Wednesday, August 31, 2011 at 10:30 am.** If
6 Plaintiff is unable to personally appear he can contact Courtroom Deputy Amanda Bradley at
7 559-499-5962 to coordinate appearing by telephone. If Plaintiff does not retain another attorney
8 to represent him, he is responsible for complying with all Court rules and applicable laws.
9 Failure to do so, or failing to comply with any order of this Court (including this order), may
10 result in dismissal of the action.

11 As per Ms. Haley, Plaintiff's last known address is 2100 Virgilia Lane, Olivehurst
12 California 95961. Plaintiff's telephone number is (530) 742-3929. The Clerk shall update
13 Plaintiff's address on the docket and serve a copy of this order on Mr. Townsend at the above
14 address. Mr. Townsend shall contact the Court immediately if the address listed above is not
15 correct.

16
17
18 IT IS SO ORDERED.

19 **Dated: August 12, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE