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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACOB WINDING dba TOP TO BOTTOM
CLEANING SERVICE,

Plaintiff,

v.

WELLS FARGO BANK, et al.,

Defendants.

CASE NO. 1:11-cv-00555-AWI-SKO

**ORDER REQUESTING
SUPPLEMENTAL INFORMATION
RE: PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW AS
COUNSEL**

(Docket No. 11)

_____ /

On May 13, 2011, counsel for Plaintiff Jacob Winding dba Top to Bottom Cleaning Service ("Plaintiff") filed a Motion to Withdraw as Counsel.

The Local Rules ("L.R.") for the U.S. District Court for the Eastern District of California provide specific requirements for the withdrawal of counsel where, as here, the attorney will leave the client in propria persona. (L.R. 182(d).) Local Rule 182(d) provides in pertinent part:

Unless otherwise provided herein, an attorney who has appeared may not withdraw leaving the client in propria persona without leave of court upon noticed motion and notice to the client and all other parties who have appeared. The attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw.

Counsel submitted the Declaration of Vernon Goins ("Declaration") in support of the motion. (Doc. 11-2.) The Declaration outlines the efforts made by counsel to contact Plaintiff regarding the

1 intention to withdraw. (Doc. 11-2, ¶¶ 2-4.) However, while the Declaration states that notice of this
2 motion, the motion, and the accompanying declaration were sent to Plaintiff via overnight mail to
3 his current address, the motion itself is not accompanied by proof of service showing that Plaintiff
4 was served with the motion.

5 When, as here, the granting of a motion will leave a party in *propria persona*, the Court finds
6 that the L.R. 182(d) requirement that the attorney show "the efforts made to notify the client of the
7 motion to withdraw" include providing proof of service that the motion was served.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's counsel shall file, within two (2)
9 days of the date of this order, a proof of service showing that Plaintiff has been provided with notice
10 of counsel's attempt to withdraw as his attorney of record.

11
12 IT IS SO ORDERED.

13 **Dated: June 9, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE