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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LOWELL TAYLOR,) Case No.: 1:13-cv-00123 - AWI - JLT
Plaintiff,	ORDER DISCHARGING ORDER TO SHOW CAUSE; ORDER TO PLAINTIFF TO FILE A SUBSTITUTION OF COUNSEL WITHIN 21 DAYS
PM REALTY GROUP, et al.,	
Defendants.))

On February 5, 2014, the Court ordered Plaintiff to show cause why this matter should not be dismissed for failure to prosecute. (Doc. 23) At that time, the Court had learned that counsel of record, Stephen Wainer, was no longer eligible to practice and it appeared he had abandoned this litigation. <u>Id</u>. The Court granted Plaintiff 14 days to respond in writing why the matter should not be dismissed. <u>Id</u>.

On February 13, 2014, Plaintiff filed a declaration in which he reports that in December 2013, Mr. Wainer told Plaintiff that Wainer intended to move to Alaska and that Plaintiff would need to secure alternate counsel at some point. (Doc. 24 at 1) Plaintiff indicates that Waiver did not tell him when Wainer intended to move and, apparently, Plaintiff chose not to ask. Id. Plaintiff reports that he visited Mr. Wainer's office at some point later and called, but Wainer's office was closed. Id. at 2. Finally, Plaintiff denies that he knew that his deposition had been noticed and reports that he wishes to

proceed with this case. He reports that he has attempted to obtain alternate counsel but has not yet 1 2 been successful. Id. Plaintiff seeks 60 days within which to obtain new counsel. Id. 3 Notably, Plaintiff fails to explain when he realized that Mr. Wainer had closed his office or why he will need 60 days in order to secure new counsel. Moreover, though recognizing that Mr. 4 5 Wainer is no longer acting on his behalf, he fails to explain why Mr. Wainer should remain as counsel of record. 6 Accordingly, IT IS HEREBY ORDERED: 7 1. Within 21 days of the date of service of this order, Plaintiff **SHALL** file a document 8 either substituting new counsel for Mr. Wainer, substituting himself for Mr. Wainer and 9 10 proceeding as a self-represented litigant or dismissing the case; 2. The Clerk is DIRECTED to serve this order via United States mail upon Plaintiff at the 11 12 following address: Lowell Taylor 13 1411 S. Divisadero St. #8 Visalia, CA 93277. 14 Failure to comply with this order will result in a recommendation that the matter be dismissed. 15 16 IT IS SO ORDERED. 17 18 Dated: **February 14, 2014** /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28