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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

S. ORTIZ, et al.,  
  
                    Plaintiff(s),  
  
          vs.  
  
GERARDO ALVAREZ, et al.,  
  
                    Defendant(s).

**Case No. 1:15-cv-00535-DAD-EPG**  
  
**ORDER GRANTING MOTION TO  
WITHDRAW AS ATTORNEY OF  
RECORD**  
  
(ECF No. 100)

On May 19, 2017, Plaintiff’s counsel Alexia Kirkland of Kirkland Law of California filed a Motion to Withdraw as Counsel of Record for Plaintiffs Alfonso Padron and Elida Padron. (ECF No. 100.) The matter was heard in a motion hearing on May 26, 2017, before the undersigned judge. Defendants did not file any opposition to the Motion or appear at the May 26 hearing. After considering the arguments by the parties and for the reasons set forth on the record at the May 26 hearing and below, the Court GRANTS the Motion to Withdraw as Counsel of Record.

**I. DISCUSSION**

Rule 182(d) of the Local Rules of the United States District Court, Eastern District of California provides that an attorney who has appeared on behalf of a client may not withdraw, leaving the client *in propria persona*, without leave of court. “Withdrawal of an attorney is

1 governed by the Rules of Professional Conduct of the State Bar of California.” Local Rule 182(d).  
2 Under those rules, permissive withdrawal of an attorney is allowed when, among other things, a  
3 client “knowingly and freely assents to termination of the employment.” Cal. Rule of Prof’l  
4 Conduct 3-700(C)(5). Courts maintain the discretion to grant or deny a motion to withdraw as  
5 counsel, however. *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998). In considering such  
6 a motion, courts may consider: “(1) the reasons why withdrawal is sought; (2) the prejudice  
7 withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the  
8 administration of justice; and (4) the degree to which withdrawal will delay the resolution of the  
9 case.” *Leatt Corp. v. Innovative Safety Tech., LLC*, No. 09-CV-1301-IEG (POR), 2010 WL  
10 444708, at \*1 (S.D. Cal. Feb. 2, 2010). “Leave to withdraw may be granted subject to such  
11 appropriate conditions as the Court deems fit.” Local Rule 182(d).

12 Attorney Kirkland has requested permission to withdraw from this case pursuant to Rule  
13 3-700(C)(5) of the California Rules of Professional Conduct, which provides:

14 (C) Permissive Withdrawal.

15 If rule 3-700(B) is not applicable, a member may not request permission to  
16 withdraw in matters pending before a tribunal, and may not withdraw in other  
17 matters, unless such request or such withdrawal is because:

18 (5) The client knowingly and freely assents to termination of the  
19 employment.

20 At the May 26, 2017 motion hearing, Alfonso and Elida Pardon made statements to the Court on  
21 the record concerning whether they knowingly and freely assented to the termination of Attorney  
22 Kirkland. The Court has considered these statements as well as representations from Attorney  
23 Kirkland in reaching its conclusion. The Court finds that Plaintiff Alfonso Padron has knowingly  
24 and freely assented to the termination of employment for Attorney Kirkland. The Court also finds  
25 that Plaintiff Elida Padron has knowingly and freely assented to the termination of employment  
26 for Attorney Kirkland. Accordingly, leave of court is granted pursuant to Local Rule 182(d) for  
27 Attorney Kirkland to withdraw as counsel for Plaintiffs Alfonso Padron and Elida Padron.

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1 **II. ORDER**

2 For the reasons set forth above, the Motion to Withdraw as Counsel of Record (ECF No.  
3 100) is GRANTED. Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Alexia Kirkland of Kirkland Law of California is relieved as counsel of record for  
5 Plaintiff Alfonso Padron. Plaintiff shall be substituted in to proceed in the case *pro se*  
6 and all future communications shall be directed to Plaintiff directly at: Alfonso  
7 Padron, 16484 East Rose Avenue, Reedley, California 93656. The docket shall also be  
8 updated to reflect Plaintiff's phone number as (559) 513-1329 and email address as  
9 arpadroncasi@gmail.com;
- 10 2. Alexia Kirkland of Kirkland Law of California is relieved as counsel of record for  
11 Plaintiff Elida Padron. Plaintiff shall be substituted in to proceed in the case *pro se* and  
12 all future communications shall be directed to Plaintiff directly at: Elida Padron,  
13 16484 East Rose Avenue, Reedley, California 93656. The docket shall also be updated  
14 to reflect Plaintiff's phone number as (559) 393-5985 and email address as  
15 padronelida@yahoo.com;
- 16 3. Within **30 days** after entry of this Order, Kirkland Law of California shall provide  
17 Plaintiffs with a copy of his/her complete case file, if it has not already done so.
- 18 4. The Clerk is directed to mail Plaintiff Alfonso Padron and Plaintiff Elida Padron a  
19 copy of this order and the May 26 and 30, 2017 orders entered following the May 26  
20 motion hearing. (ECF Nos. 104-105).

21 The Court strongly recommends that the *pro se* Plaintiffs retain new counsel to represent  
22 them in this litigation. In the event they are unable to do so, the *pro se* Plaintiffs are responsible  
23 for complying with all court rules and applicable laws. Failure to do so, and failure to comply  
24 with any order of the court, may result in sanctions or dismissal of this action.

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The *pro se* Plaintiffs are also advised to keep the Court apprised of their current mailing address and telephone number. Failure to do so may result in dismissal of this action.

IT IS SO ORDERED.

Dated: May 31, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE