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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALEB FARES GIHA,
Plaintiff,
v.
LORETTA E. LYNCH,
Defendant.

Case No. 1:16-cv-00893-EPG
ORDER TAKING MOTION TO WITHDRAW
AS COUNSEL UNDER ADVISEMENT
(ECF No. 34)

This case was transferred in from U.S. Court of Appeals for the Ninth Circuit on June 23, 2016 for a *de novo* review of petitioner Caleb Fares Giha’s citizenship claim. Petitioner has been represented by attorney Mackenzie W. Mackins of Mackins & Mackins, LLP since the transfer of the case to this District.

On June 28, 2017, Ms. Mackins filed a motion to withdraw of counsel for Petitioner. Ms. Mackins attests that Petitioner’s father, Mr. Walter Giha (“Mr. Walter”), initiated engagement of Ms. Mackin’s representation of petitioner in June 2014. Ms. Mackins states that the attorney-client relationship with Petitioner has broken down because of difficulty communicating directly with Petitioner due to his transfer to numerous Immigration Customs Enforcement (“ICE”) detention facilities nationwide. Additionally, Ms. Mackins indicates that she has experienced difficulty with lack of cooperation from the petitioner’s father, Mr. Walter, regarding the preparation and conduct of the representation, and the payment of invoices in a timely manner.

1 On July 27, 2017, the Court held a hearing on the motion to withdraw as counsel. Ms.
2 Mackins, petitioner Giha, and counsel for the United States, Rebekah Nahas, all appeared
3 telephonically. The potential withdrawal of Ms. Mackins was discussed on the record. Ms.
4 Mackins explained that additional out-of-pocket costs would be required to adequately represent
5 Petitioner through the conclusion of this case, and Ms. Mackins lacks the necessary resources to
6 provide the required representation. Petitioner indicated that he was not in position to provide the
7 necessary resources and would need to contact his father, Mr. Walter, to see if any payment could
8 be provided to Ms. Mackins.

9 The Court decided to take the matter under advisement to allow time for Ms. Mackins to
10 indicate the amount of outstanding fees as well as the estimated costs of proceeding with the case.
11 The Court will then ask that Mr. Giha, or his father, file a response indicating whether they will
12 pay that amount to allow Ms. Mackins to continue work on the case.

13 Accordingly, the Court ORDERS as follows:

- 14 1. The Court takes the motion to withdraw as counsel under advisement.
- 15 2. On or before August 3, 2017, Ms. Mackins shall submit to the Court supplemental
16 information regarding outstanding fees and costs and estimated future costs of prosecuting the
17 case to its conclusion.
- 18 3. On or before August 24, 2017, Mr. Giha and/or Mr. Giha's father, Mr. Walter,
19 shall file a document with the Court indicating whether financial resources will be provided to
20 Ms. Mackins to adequately represent the petitioner in this case.
- 21 4. The Clerk of the Court is directed to send a copy of this order and copies of the
22 case filings at ECF Nos. 34 and 37 to Mr. Walter Giha, 70 Skylar St., #1223, Ladera Ranch, CA
23 92694.

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25 IT IS SO ORDERED.

26 Dated: July 28, 2017

27 /s/ Eric P. Gray
28 UNITED STATES MAGISTRATE JUDGE

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