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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARMANDO OSEGUEDA, et al.,

Plaintiffs,

v.

STANISLAUS COUNTY PUBLIC  
SAFETY CENTER, et al.,

Defendants.

Case No. 1:16-cv-01218-JLT-BAM

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DISMISSAL OF ACTION FOR FAILURE TO  
OBEY A COURT ORDER

(Doc. 79)

ORDER DIRECTING COUNSEL TO FILE  
MOTION TO WITHDRAW

On January 29, 2019, the Court approved the parties' stipulation to stay this matter pending resolution of the state criminal proceedings against Plaintiffs Armando Osegueda and Robert Palomino. (Doc. 50.) The Court ordered Plaintiffs to file a written status report every ninety (90) days notifying the Court of the status of the criminal matter. (*Id.*)

On April 14, 2022, the Court issued findings and recommendations recommending dismissal of this action based on the repeated failure of Plaintiffs Armando Osegueda, Robert Palomino, David Lomeli and Jairo Hernandez to file timely status reports. (Doc. 79.) The findings and recommendations were served on the parties and contained notice that any objections by Plaintiffs should be filed within fourteen (14) days of service. (*Id.*)

1 On April 25, 2022, in lieu of filing objections, Plaintiffs' counsel filed a Case Status  
2 Update. (Doc. 80.) According to the report, the criminal cases against Plaintiffs Armando  
3 Osegueda and Robert Palomino are ongoing. In January 2022, Plaintiff Palomino reportedly  
4 terminated counsel's representation and advised that he was seeking new counsel or intended to  
5 proceed in pro per. Counsel has not had contact with any of the remaining plaintiffs and seeks to  
6 withdraw from this matter as to all plaintiffs. (*Id.*)

7 Having considered the response, the findings and recommendations to dismiss this action  
8 issued on April 12, 2022, are HEREBY VACATED. However, counsel's request to withdraw  
9 from this matter fails to comply with Local Rule 182, and the request will not be addressed  
10 substantively at this time. Local Rule 182 provides, in relevant part, as follows:

11 **Withdrawal.** Unless otherwise provided herein, an attorney who has appeared may  
12 not withdraw leaving the client in propria persona without leave of court upon  
13 noticed motion and notice to the client and all other parties who have appeared. The  
14 attorney shall provide an affidavit stating the current or last known address or  
15 addresses of the client and the efforts made to notify the client of the motion to  
16 withdraw. Withdrawal as attorney is governed by the Rules of Professional Conduct  
of the State Bar of California, and the attorney shall conform to the requirements  
of those Rules. The authority and duty of the attorney of record shall continue until  
relieved by order of the Court issued hereunder. Leave to withdraw may be granted  
subject to such appropriate conditions as the Court deems fit.

17 E.D. Cal. L.R. 182(d). Insofar as counsel seeks to withdraw in this action, counsel must file a  
18 noticed motion in compliance with Local Rule 182 within **thirty (30) days** of the date of this  
19 Order. Counsel is cautioned that any failure to comply with the Court's order may result in the  
20 imposition of sanctions against counsel and/or reissuance of the recommendation to dismiss this  
21 action based on the repeated failures to comply with Court orders.

22  
23 IT IS SO ORDERED.

24 Dated: April 26, 2022

25 /s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE  
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