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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL S. PHILLIPS,  
Plaintiff,  
v.  
RICHARD V. SPENCER, Secretary of the  
Navy, et al.,  
Defendants.

No. 1:16-cv-01944-DAD-SKO

ORDER  
(Doc. No. 60)

On April 8, 2018, the parties filed a stipulation and proposed order to: (1) continue the hearing on defendant’s motion to dismiss, currently scheduled for April 17, 2018, to August 7, 2018; (2) to set a deadline of May 8, 2018 for plaintiff to file a notice of substitution of counsel, or for plaintiff’s counsel to file a motion to withdraw as counsel, which motion shall be noticed for hearing on June 5, 2018; (3) to set June 26, 2018 as the deadline for the filing of any opposition to defendant’s motion to dismiss; (4) to set July 24, 2018 as the deadline for the filing of any reply in support of defendant’s motion to dismiss; and (5) to vacate the scheduling conference in this action, currently scheduled for May 3, 2018, pending the court’s resolution of defendant’s motion to dismiss. (Doc. No. 60.) The stipulation suggests that plaintiff’s counsel of record, M. René Huff, intends to seek leave of court to withdraw from representing plaintiff in this matter. (*Id.* at 2.) The parties have therefore proposed the foregoing schedule to avoid potential prejudice to plaintiff and to conserve judicial resources. (*Id.*)


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Good cause appearing, the court orders as follows:

1. The hearing on defendant’s motion to dismiss (Doc. No. 59), currently scheduled for April 17, 2018, shall be continued to August 7, 2018;
2. On or before May 8, 2018, plaintiff shall file a Notice of Substitution of Counsel or plaintiff’s counsel of record shall file a motion to withdraw pursuant to Local Rule 182 and shall notice that motion for hearing on June 5, 2018. Absent the filing of a Notice of Substitution of Counsel or an order granting leave to withdraw, plaintiff’s current counsel of record shall comply with the briefing schedule set out in this order with respect to defendant’s motion to dismiss;
3. Plaintiff’s opposition to defendant’s motion to dismiss, if any, shall be filed on or before June 26, 2018;
4. Any reply in support of defendant’s motion to dismiss shall be filed on or before July 24, 2018.

IT IS SO ORDERED.

Dated: April 9, 2018

  
UNITED STATES DISTRICT JUDGE