UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JANE DOE, Plaintiff, v. DERRAL ADAMS, et al., Defendants.	Case No. 1:21-cv-01103-NONE-SAB ORDER DENYING DEFENDANT TIMOTHY BEACH'S SUBSTITUTION OF ATTORNEY WITHOUT PREJUDICE (ECF No. 25)

On January 7, 2022, Defendant Timothy Beach filed a notice of substitution of attorney substituting himself as a *pro se* party for attorney Susan E. Coleman of Burke, Williams & Sorensen, LLP, located at 444 South Flower Street, Suite 2400, Los Angeles, CA 90017. (ECF No. 25.) The Court notes, however, that Mr. Beach is not a licensed attorney in the State of California and pursuant to Local Rule 182(d), his attorney may not withdraw as counsel and leave Mr. Beach *in pro per* without leave of Court upon noticed motion. E.D. Cal. L.R. 182(d). More specifically, Local Rule 182(d) provides:

> Unless otherwise provided herein, an attorney who has appeared may not withdraw leaving the client in propria persona without leave of court upon noticed motion and notice to the client and all other parties who have appeared. The attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to 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.

Id. See also Cal. R. Prof. Conduct 3-700(A)(2); CE Res., Inc. v. Magellan Group, LLC, No. 2:08-cv-02999-MCE-KJM, 2009 WL 3367489, at *1 (E.D. Cal. Oct. 14, 2009); McClintic v. U.S. Postal Serv., No. 1:13-cv-00439, 2014 WL 51151, at *2 (E.D. Cal. Jan. 7, 2014). In light of the foregoing authorities, the Court finds the instant request for substitution does not comply with the Local Rules or Rules of Professional Conduct and must therefore be denied, without prejudice.

Accordingly, IT IS HEREBY ORDERED that Defendant Timothy Beach's request for substitution of attorney is DENIED (ECF No. 25), without prejudice to re-filing as a properly-noticed motion to withdraw pursuant to the Local Rules and Rules of Professional Conduct of the State Bar of California.

IT IS SO ORDERED.

Dated: **January 7, 2022**

UNITED STATES MAGISTRATE JUDGE