

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

ALBERT YOUNG,

Plaintiff, No. 2:03-cv-0951 FCD JFM PC
vs.

PETER BRESLER, et al.,

Defendant. ORDER

Defendants' motion for summary judgment was noticed for hearing on February 12, 2009 at 11:00 a.m. before the undersigned. However, on January 8, 2009, plaintiff filed a request to terminate his present counsel and asked the court to appoint new counsel to represent him.

Because there has been a breakdown in the relationship between plaintiff and his attorney of record, plaintiff's request will be partially granted. Plaintiff's counsel will be substituted out as attorney of record for plaintiff and plaintiff will be returned to his former pro se status. Plaintiff's request for the appointment of new counsel will be denied.

Accordingly, plaintiff will be granted an additional twenty days in which to file an opposition to defendants' renewed motion for summary judgment. Good cause appearing, the matter will be taken off calendar and the court will take the motion under submission without oral argument once the motion is fully briefed.

1 IT IS HEREBY ORDERED that:

2 1. Plaintiff's January 8, 2009 request to terminate counsel (#137) is granted;

3 2. Norman Newhouse is substituted out as plaintiff's counsel of record; plaintiff

4 is returned to pro se status and now represents himself in propria persona;

5 3. Plaintiff's request for appointment of new counsel is denied;

6 4. The hearing set for February 12, 2009 is vacated; and

7 5. Within twenty days from the date of this order, plaintiff shall file an opposition

8 to the motion for summary judgment; defendants' reply shall be filed ten days thereafter.

9 Plaintiff is cautioned that failure to file an opposition will result in a recommendation that the
10 motion be granted.

11 DATED: February 10, 2009.

12 
13 John F. Marshall
14 UNITED STATES MAGISTRATE JUDGE

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