

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:06-CV-00436 JAM-DAD
Plaintiff,)
v.) ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL.

REAL PROPERTY LOCATED AT 8617
SOUTH SUN BAR RANCH PLACE,
VAIL, PIMA COUNTY, ARIZONA,
APN: 205-75-11504, INCLUDING
ALL APPURTENANCES AND
IMPROVEMENTS THERETO.

Defendants.

JOHN W. HOLLIS and JUDITH L.
HOLLIS, INDIVIDUALLY AND AS
TRUSTEES OF THE THREE EIGHT
TRUST,

Claimants.

The matter before the Court is attorneys Janet Sherman and Eric Honig's (collectively, "Attorneys'") Motion to Withdraw as Counsel of Record in this matter for John W. Hollis and Judith L. Hollis (collectively, "Claimants") pursuant to Local Rule 83-182(d) and State Bar Rule 3-700(C)(1)(f). In their motion, Attorneys request leave of court to withdraw as counsel because Claimants

1 have failed to pay legal fees.¹

2 According to Local Rule 83-182(d), "an attorney who has
3 appeared may not withdraw leaving the client in propria persona
4 without leave of Court upon noticed motion and notice to the client
5 and all other parties who have appeared." Further, an attorney
6 seeking to withdraw under Local Rule 83-182(d) "shall provide an
7 affidavit stating the current or last known address or addresses of
8 the client and the efforts made to notify the client of the motion
9 to withdraw." E.D. Cal. L.R. 83-182(d). A motion to withdraw as
10 attorney of record is governed by the Rules of Professional Conduct
11 of the State Bar of California. Id.

12 The decision to grant or deny an attorney's motion to withdraw
13 as counsel is committed to the sound discretion of the trial court.
14 LaGrand v. Stewart, 133 F.3d 1253, 1269 (9th Cir. 1998).

15 After reviewing the record and the reasons for withdrawal
16 noted by Attorneys, the Court concludes that there is good cause to
17 grant Attorneys' Motion to Withdraw as Counsel. The Claimants are
18 no longer able to pay their legal fees. The Court further
19 concludes that the withdrawal will not unduly prejudice Claimants
20 or unduly delay resolution of the case because this matter is
21 currently stayed. Furthermore, Claimants have consented to
22 Attorneys' withdrawal. Accordingly, Attorneys' Motion to Withdraw
23 as Counsel is GRANTED.

24
25 IT IS SO ORDERED.

26 Dated: April 8, 2009


JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE

27
28 ¹ This motion was determined to be suitable for decision
without oral argument. E.D. Cal. L.R. 78-230(h).