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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RENO FUENTES RIOS,  
Plaintiff,  
v.  
J.E. TILTON, et al.,  
Defendants.

No. 2:07-cv-0790 KJN P

ORDER

Plaintiff is a state prisoner, proceeding through counsel. On November 16, 2016, counsel for plaintiff filed a motion to withdraw and noticed the motion for hearing on December 15, 2016. In the motion, counsel noted that their representation of plaintiff was contingent on plaintiff’s execution of an engagement letter pursuant to the court’s June 7, 2012 order. (ECF No. 124.) Counsel confirmed receipt of the executed engagement agreement on June 22, 2012. (ECF No. 125.) In the instant motion, counsel states that the “engagement letter defined the scope of DLA Piper’s representation of [plaintiff] to last through trial and not include any appeals that [plaintiff] might wish to file.” (ECF No. 265 at 3.)

Because counsel’s motion to withdraw may not be addressed prior to the deadline for filing an appeal, plaintiff is cautioned that if he intends to file an appeal, he must file a notice of appeal with the district clerk within thirty days after the entry of judgment. See Fed. R. App. P. 4(a)(1)(A). In this case, judgment was entered on November 4, 2016. (ECF No. 261.)

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In light of plaintiff's incarceration, the motion is removed from calendar and will be submitted for decision on the papers following receipt of plaintiff's response. Plaintiff is cautioned that failure to timely respond to this order will result in an order granting counsel's motion to withdraw.

Accordingly, IT IS HEREBY ORDERED that:

1. The December 15, 2016 hearing before the undersigned is vacated;
2. Within fourteen days from the date of this order, plaintiff shall file a statement of opposition or nonopposition to counsel's motion to withdraw; and
3. The Clerk of the Court is directed to serve a copy of this order on plaintiff as follows:

Reno Fuentes Rios (E33173)  
California State Prison – Sacramento  
P.O. Box 290066  
Represa, CA 95671

Dated: November 18, 2016

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

/rios0790.vac