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

JAMES EVANS, JR.,

Plaintiff,

No. 2:09-cv-0292 WBS JFM (PC)

vs.

D. K. SISTO, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a former state prisoner on parole proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On April 12, 2012, this court appointed counsel to represent plaintiff, conditioned upon execution of an engagement agreement. On April 20, 2012, counsel moved for relief from the conditional appointment. In the motion, counsel represented that on April 19, 2012, plaintiff left a voicemail message with counsel for defendants that included a telephone number. By order filed April 30, 2012, counsel was directed to endeavor to contact plaintiff at the telephone number left with counsel for defendants and to thereafter advise the court.

On May 1, 2012, counsel filed a supplemental declaration in support of the motion for relief from the conditional appointment. Therein, counsel represents, inter alia, that he spoke with plaintiff on April 30, 2012, and that plaintiff consented to his withdrawal from representation. Counsel further represents that he has contacted the Court’s pro bono coordinator concerning identification and appointment of new counsel for plaintiff, and he has, with plaintiff’s permission, provided the court with plaintiff’s new address.

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Accordingly, IT IS HEREBY ORDERED that:

1. The April 20, 2012 motion of Alexander M. Medina, Stephen M. Duvernay, and Ashley H. Joyce for relief from the order of conditional appointment as pro bono counsel is granted; and

2. The Clerk of the Court is directed to serve a copy of this order on plaintiff at 2050 Beatrice Court, Apt. 6, San Jose, CA 95128 and to change plaintiff's address of record to that address.

DATED: May 2, 2012.


UNITED STATES MAGISTRATE JUDGE

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