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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CLINTON WAGNER,

No. 2:09-CV-03166-KJM-KJN PS

12
13 Plaintiff,

14 v.

ORDER

15 MOSS POSNER, MD, et al.,

16 Defendants.
17

18 Candice L. Fields, appointed counsel, and Mark Gallagher, associated counsel,
19 move to withdraw as plaintiff's counsel. The motion is unopposed, and the court decides the
20 matter without argument. For the reasons below, the court GRANTS the motion.

21 Withdrawal of counsel is governed by Local Rule 182(d). Under the Rule, an
22 attorney who seeks to withdraw must (1) give notice to the client and all parties who have
23 appeared; (2) comply with the Rules of Professional Conduct of the State Bar of California; and
24 (3) obtain leave of court. L.R. 182(d). Professional Conduct Rule 3-700(c)(5), the relevant
25 rule, in turn permits withdrawal where a client "knowingly and freely assents to termination of
26 the employment" relationship.

27 Here, counsel have met all withdrawal requirements. Concurrent with the filing
28 of the instant motion, counsel have provided notice of the intent to withdraw to both the client,

1 Fields Decl. ¶ 6, ECF No. 154, and the remaining parties who have appeared, *id.* ¶ 7. Likewise,
2 because plaintiff, of his own volition, has expressed an “unequivocal intent to terminate
3 counsel and proceed without representation,” *id.* ¶ 4, he has knowingly and freely assented to
4 termination. Rule 3-700(c)(5) thus permits withdrawal.

5 Accordingly, the motion is GRANTED. Plaintiff will represent himself in this
6 matter.

7 All dates previously set, as reflected in this court’s minute order of September 6,
8 2013, are confirmed.

9 The Clerk of Court is directed to send a copy of this order and of the September
10 6, 2013 minute order to plaintiff at the address shown on his filing of October 29, 2013 (ECF
11 152), which address will serve as his service address unless or until the court is notified
12 otherwise.

13 IT IS SO ORDERED.

14 DATED: December 4, 2013.

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18 UNITED STATES DISTRICT JUDGE
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