

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON GRAY,

No. 2:10-cv-1928-TLN-EFB P

Plaintiff,

ORDER

DAGE,

Defendant.

Plaintiff is a state prisoner proceeding through counsel in an action brought under 42 U.S.C. § 1983. On December 12, 2014, plaintiff's counsel, Mr. Robert Kitay, filed a notice of attorney suspension, indicating that he had been suspended from the practice of law, effective November 29, 2014, for a minimum of six months.¹ ECF No. 121. Rather than filing a motion for leave to withdraw in accordance with Local Rule 182(d), Mr. Kitay filed a proposed order substituting plaintiff, in pro per, as counsel of record.² ECF No. 123. Plaintiff Leon Gray signed and indicated his consent to the proposed order of substitution. *Id.*

¹ Local Rule 184 provides that “[i]f an attorney’s status so changes with respect to eligibility, the attorney shall forthwith be suspended from practice before this Court without any order of Court until becoming eligible to practice.”

² Local Rule 182(g) contemplates a substitution of *attorneys*, not a substitution of an attorney for a party proceeding pro se.

1 The court construes Mr. Kitay's notice as a motion to withdraw. Considering plaintiff's
2 consent to the withdrawal, and the notification that Mr. Kitay has been suspended from the
3 practice of law, the motion is granted.

4 **IT IS HEREBY ORDERED** that:

5 1. Mr. Kitay is granted leave to withdraw as counsel for plaintiff and is relieved of any
6 continuing obligation in this case.

7 2. Plaintiff is ordered to do one of the following within 21 days from the date of this
8 order: (1) have new counsel file an appearance; or (2) file an appearance pro se. The
9 court cautions plaintiff that failure to comply with the Federal Rules of Civil
10 Procedure, this court's Local Rules, or any court order may result in this action being
11 dismissed. *See* Local Rule 110; Fed. R. Civ. P. 41.

12 3. The Clerk of the Court shall mail a copy of this order to plaintiff at the following
13 address: Leon Gray, CDCR No. T-34648, California Health Care Facility, Facility C,
14 P.O. Box 32200, Stockton, CA, 95213.

15 DATED: May 4, 2015.

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17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE