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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PHILIP MONCRIEF,
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2:12-cv-0414 MCE AC P

ORDER

Currently before the court is the parties’ stipulation to extend the time for plaintiff to oppose defendants’ motion for summary judgment. ECF No. 90. In the motion, plaintiff’s counsel states that irreconcilable differences have developed between counsel and plaintiff that make representation impossible under the Rules of Professional Responsibility. Id. at 1. Counsel intends to file a motion to withdraw and requests to stay the proceedings so that plaintiff can retain new counsel or continue in pro se.

Accordingly, IT IS HEREBY ORDERED that:

1. The August 31, 2016 hearing on defendants’ motion for summary judgment is vacated.
2. All briefing on defendants’ motion for summary judgment is stayed pending resolution of counsel’s forthcoming motion to withdraw, at which time new deadlines will be set.


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3. Plaintiff's counsel shall have thirty days from service of this order to file a motion to withdraw. If counsel fails to file a motion to withdraw, briefing on the motion for summary judgment will resume without delay and no further extensions to file an opposition will be granted.

4. The October 20, 2016 pretrial conference, December 12, 2016 trial, and pretrial deadlines are hereby vacated. Trial will be re-set, if necessary, after resolution of the motion for summary judgment.

DATED: August 2, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE