

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIRON B. SPRINGFIELD
Plaintiff,
v.
VISMAL J. SINGH, et al.,
Defendants.

No. 2:12-cv-2552 KJM AC P

ORDER

On November 7, 2017, Mr. Carter C. White, appointed pro bono counsel for plaintiff (a state prisoner), filed and served a motion to withdraw his representation of plaintiff. See ECF No. 124. By order filed November 9, 2017, the court directed plaintiff to file and serve a response within fourteen days, or by November 24, 2017.¹ See ECF No. 126. The court informed plaintiff that approval of Mr. White’s request would have no effect on the enforceability of the parties’ existing settlement agreement, and that the settlement judge will continue to monitor the progress of final disposition. Id. at 1. The court directed plaintiff that his response “need only indicate whether or not he opposes Mr. White’s withdrawal.” Id.

////

////

¹ Because the fourteen-day deadline fell on Thanksgiving Day, Thursday, November 23, 2017, the deadline was extended to Friday, November 24, 2017. See Fed. R. Civ. P. 6(a)(1)(C).

1 Plaintiff has not responded within the time provided. The court construes plaintiff's
2 silence as a statement of non-opposition to Mr. White's motion. As a result, the court vacates the
3 hearing on this matter scheduled for December 13, 2017, and will decide the matter on the papers.
4 See Local Rule 230(1).

5 The undersigned has reviewed Mr. White's motion and his supporting declaration under
6 the standards set forth in Local Rule 182(d) and Rule 3-700(A)(2), California Rules of
7 Professional Conduct. The court finds good cause for Mr. White's request and that his
8 withdrawal will not unduly prejudice plaintiff. For these reasons, Mr. White's motion to
9 withdraw his legal representation of plaintiff will be granted.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Mr. White's motion to withdraw his appointment as pro bono legal counsel for
12 plaintiff, ECF No. 124, is granted.

13 2. Effective immediately, Mr. White's appointment is vacated, and plaintiff shall now
14 represent himself *in propria persona*.

15 3. Mr. White is directed to apply for reimbursement of his costs in this case from the
16 court's nonappropriated funds.

17 4. Plaintiff's motion for an order to preclude counsel's reimbursement of costs from the
18 prospective settlement funds, ECF No. 123, is denied as moot.

19 5. The hearing on this matter scheduled for December 13, 2017, is vacated.

20 IT IS SO ORDERED.

21 DATED: December 5, 2017

22 
23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28