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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CODY W. NOEL  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:13-cv-2664-KJN

ORDER

On July 14, 2014, plaintiff’s counsel, Vijay Patel, filed a motion to withdraw as counsel for plaintiff. (ECF No. 14.) According to plaintiff’s counsel, there has been a breakdown of the attorney-client relationship, and plaintiff has purportedly failed to communicate with plaintiff’s counsel regarding various substantive matters in the case. The motion outlines plaintiff’s counsel’s efforts to communicate with plaintiff by letter and telephone. The proof of service accompanying the motion to withdraw also indicates that the motion was served on plaintiff by Certified Mail at his last-known address.

The administrative transcript in this matter was filed on April 16, 2014, and plaintiff’s motion for summary judgment was due on July 14, 2014, the day that the instant motion to withdraw was filed, after the court has already granted one extension to file the motion for summary judgment. (ECF No. 13.)


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1 In light of the above, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff Cody Noel shall file a written response to plaintiff's counsel's motion to  
3 withdraw no later than August 7, 2014. The response shall indicate whether or not  
4 plaintiff opposes withdrawal of plaintiff's counsel, and if so, the reasons therefor.
- 5 2. Alternatively, if plaintiff does not wish to continue with his case at this juncture, he  
6 may instead file a statement consenting to dismissal of the action without prejudice no  
7 later than August 7, 2014.
- 8 3. Failure to file either a written response to the motion to withdraw or a statement of  
9 consent to dismissal of the action by the required deadline will be deemed a statement  
10 of non-opposition to the motion to withdraw, and will result in a summary grant of the  
11 motion to withdraw, leaving plaintiff to proceed in this action without counsel.
- 12 4. The briefing deadlines in this action are temporarily suspended. The court will issue a  
13 further order concerning briefing deadlines after resolution of the pending motion to  
14 withdraw.
- 15 5. The Clerk of Court shall serve a copy of this order on plaintiff himself at the last-  
16 known address for plaintiff provided by plaintiff's counsel in the proof of service of  
17 the motion to withdraw: Cody Noel, 2700 South Market, Unit 26, Redding, California,  
18 96001.
- 19 6. Plaintiff's counsel shall also use his best efforts to attempt to provide plaintiff with  
20 notice of this order through any e-mail address or telephone number for plaintiff that  
21 plaintiff's counsel may have.

22 IT IS SO ORDERED.

23 Dated: July 18, 2014

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26 KENDALL J. NEWMAN  
27 UNITED STATES MAGISTRATE JUDGE  
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