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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	LARRY GIRALDES,	No. 2:14-cv-1780 CKD P	
12	Plaintiff,		
13	v.	<u>ORDER</u>	
14	JEFFREY BEARD,		
15	Defendant.		
16			
17	Plaintiff is a state prisoner proceeding in forma pauperis with an action filed pursuant to		
18	42 U.S.C. § 1983. Plaintiff was appointed counsel on March 11, 2015. (ECF No. 18.) On July		
19	15, 2015, plaintiff filed a motion for substitution of counsel. (ECF No. 29.) He asserts that		
20	"serious and irreconcilable conflict" exists between him and his attorney. (Id.) Plaintiff further		
21	asserts that "[t]he outcome desired by counsel, and the outcome desired by plaintiff, are at odds"		
22	and requests that the court appoint another attorney to represent him. (<u>Id.</u>)		
23	The decision of the court to allow a motion for substitution or withdrawal of counsel is		
24	discretionary. <u>United States v. Carter</u> , 560 F.3d 1107, 1113 (9th Cir. 2009). However, court		
25	discretion must be based on an inquiry into the request for substitute counsel. <u>United States v.</u>		
26	Musa, 220 F.3d 1096, 1102 (9th Cir. 2000). The Ninth Circuit held that a lack of any inquiry is		
27	an abuse of discretion. <u>United States v. Ibanez-Espinosa</u> , 284 F. App'x 490, 492 (9th Cir. 2008).		
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1	Accordingly, IT IS HEREBY ORDERED THAT within thirty days of the date of this		
2	order, plaintiff's counsel will file a response to plaintiff's assertions.		
3	3 Dated: August 11, 2015	uch U. Delany	
4	CAROL	LYN K. DELANEY	
5	5 UNITE	D STATES MAGISTRATE JUDGE	
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