1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 10 DUSTIN KIMBALL, No. 2:14-cv-2224-EFB 11 Plaintiff, 12 **ORDER** v. 13 CAROLYN W. COLVIN, Acting Commissioner of Social Security, 14 Defendant. 15 16 On April 10, 2015, plaintiff's counsel, Marc V. Kalagian, filed a motion to withdraw as 17 counsel for plaintiff. ECF Nos. 14, 16. In response, plaintiff filed a proposed order substituting 18 plaintiff, in pro se, as counsel of record. ECF No. 18. Plaintiff Dustin Kimball signed and 19 indicated his consent to the proposed order of substitution. ¹ *Id*. 20 In light of plaintiff's consent to Mr. Kalagian's motion to withdraw, the court granted Mr. 21 Kalagian's motion to withdraw as counsel for plaintiff. ECF No. 21. The May 13, 2015 order 22 granting the motion instructed plaintiff to, within 21 days of the order, either (1) have new 23 counsel file an appearance or (2) file an appearance pro se. Plaintiff was also directed to file his 24 motion for summary judgment within 60 days. Plaintiff was admonished that failure to comply 25 with the order could result in dismissal of the action. 26 27 ¹ Local Rule 182(g) contemplates a substitution of attorneys, not a substitution of an 28 attorney for a party proceeding pro se. 1

The time for compliance has passed, and plaintiff has not filed an appearance pro se, nor has new counsel appeared in this action. Further, plaintiff has not filed his motion for summary judgment.

Accordingly, it is hereby ORDERED that:

- 1. This action is dismissed for failure to comply with court orders and failure to prosecute. *See* Fed. R. Civ. P. 41(b); Local Rule 110.
 - 2. The Clerk is directed to close this case.

DATED: January 14, 2016.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE