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3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5

6 UNITED STATES OF AMERICA,

No. 2:14-cv-02392-GEB-CMK

7 Plaintiff,

8 v.

**ORDER**

9 ROBERT E. O'CONNOR and KAREN  
10 M. O'CONNOR,

11 Defendants.  
12

13 On April 26, 2017, Spencer T. Malysiak Law Corp.,  
14 counsel for Defendants Robert E. O'Connor and Karen M. O'Connor,  
15 filed a Motion to Withdraw as Counsel, ECF No. 29, which is  
16 supported by the Declaration of Spencer T. Malysiak, id. at 2-5.

17 Judgment was entered in this action on November 11,  
18 2015, and the withdrawal motion reveals that the United States is  
19 currently pursuing postjudgment discovery. See Mot. to Withdraw,  
20 Ex. A, ECF No. 29-1.

21 Spencer T. Malysiak of the Spencer T. Malysiak Law  
22 Corp. declares Defendants "have failed to respond to . . . all of  
23 [the movant's] several communication attempts regarding the  
24 upcoming [discovery] deadlines in this case" and "Defendants'  
25 conduct render[s] it unreasonably difficult for [the movant] to  
26 carry out its employment effectively." Decl. of Spencer T.  
27 Malysiak 2:16-17, 2:25-26. Mr. Malysiak also avers he "sent via  
28 First Class Mail a letter to Defendants at their current address

1 notifying them of the present Motion to Withdraw," and he "ha[s]  
2 not received a response to this letter." Id. at 4:17-21.

3 Local Rule 182(d) prescribes that "an attorney who has  
4 appeared may not withdraw leaving the client in propria persona"  
5 without leave of court upon noticed motion." E.D. Cal. L.R.  
6 182(d). Local Rule 182(d) also prescribes:

7 The attorney shall provide an affidavit  
8 stating the current or last known address or  
9 addresses of the client and the efforts made  
10 to notify the client of the motion to  
11 withdraw. Withdrawal as attorney is governed  
12 by the Rules of Professional Conduct of the  
13 State Bar of California, and the attorney  
14 shall conform to the requirements of those  
15 Rules.

12 Id.

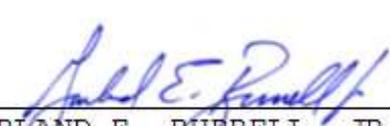
13 The movant asserts it has been unsuccessful in its  
14 several attempts to communicate with Defendants about upcoming  
15 discovery deadlines, and includes Defendants' last known address  
16 in the motion.

17 Since the movant has shown sufficient justification for  
18 the order it seeks, the motion is granted upon the movant's  
19 filing proof that this Order has been served on Defendants. In  
20 light of this ruling, the hearing on this motion scheduled June  
21 1, 2017, is VACATED.

22 Furthermore, should the movant file the referenced  
23 proof of service, the Clerk of Court shall thereafter serve  
24 Defendants at the following address:

25 957 Colusa Street  
26 Corning, California 96021

27 Dated: May 31, 2017

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GARIAND E. BURRELL, JR.  
Senior United States District Judge