UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL STINSON, an individual,	No. 2:16-cv-01903-MCE-GGH
Plaintiff,	
v.	**ORDER**
SPECIALIZED LOAN SERVICING, LLC and DOES 1 through 50, inclusive,	
Defendants.	

Presently before the Court is the Mellen Law Firm's unopposed Motion to Withdraw as Plaintiff's Counsel of Record.[1] Mot., ECF No. 18.

This Motion is governed by the requirements of Eastern District of California Local Rule 182(d), which provides that an attorney may not withdraw, leaving the client in propria persona, absent a noticed motion, appropriate affidavits, notice to the client and all other parties who have appeared, and compliance with the Rules of Professional Conduct of the State Bar of California. California Rule of Professional Conduct 3-700(C)(6) permits a member of the State Bar to seek to withdraw from representation when "[t]he member believes in good faith . . . that the tribunal will find the existence of . . . good cause for withdrawal." However, "[a] member shall not withdraw from

---

[1] Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefing. E.D. Cal. Local R. 230(g).

1

1 employment until the member has taken reasonable steps to avoid reasonably

2 foreseeable prejudice to the rights of the client, including giving due notice to the client,

3 allowing time for employment of other counsel, . . . and complying with applicable laws

4 and rules." Cal. R. of Professional Conduct 3-700(A)(2). Whether to grant leave to

5 withdraw is subject to the sound discretion of the Court and "may be granted subject to

6 such appropriate conditions as the Court deems fit." E.D. Cal. Local R. 182(d);

7 Canandaigua Wine Co., Inc. v. Edwin Moldauer, No. 1:02-cv-06599 OWW DLB, 2009

8 WL 89141, at *1 (E.D. Cal. Jan. 14, 2009).

9   The Court finds that Counsel has complied with the requirements of Local

10 Rule 182(d). Counsel has properly noticed the present Motion with notice to Plaintiff and

11 to all other parties appearing in the action. See Mot., ECF No. 18. Counsel's

12 declaration states, and his proof of service confirms, that Counsel had Plaintiff served

13 with the Motion at his last known address. See id.; Mellen Decl. ¶ 4. Counsel also

14 provides that he notified Plaintiff of the Motion via email and telephone, and that the

15 Motion was then served via email, which had "been used numerous times for

16 communication with Plaintiff." Mellen Decl. ¶ 4.

17   As grounds for withdrawal, Counsel provides that "there has been a breakdown in

18 the attorney client relationship which has made it difficult for the Mellen Law Firm to

19 continue its representation of Michael Stinson." Id. ¶ 3. The exact circumstances or

20 causes of the breakdown in Plaintiff and Counsel's relationship are unclear to the Court.

21 In light of Counsel's representation that divulging details might jeopardize the attorney

22 client privilege, however, in addition to Plaintiff's failure to file anything with the Court

23 indicating he is opposed to Counsel's withdrawal, the Court is persuaded that Counsel

24 has shown good cause for withdrawal. Additionally, a review of the docket reveals

25 nothing indicating that withdrawal might prejudice Plaintiff—i.e., there are no pending

26 motions, no imminent trial date, and no other apparent deadlines that should prevent

27 Counsel's withdrawal.

28 ///

1   For these reasons, the Motion to Withdraw (ECF No. 18) is GRANTED. The

2 Mellen Law Firm is relieved as counsel of record for Plaintiff effective upon the filing of

3 proof of service of this signed Memorandum and Order on Plaintiff at his last known

4 address:

5   Michael Stinson
           1780 Birchwood Lane

6   Tracy, CA 95376
           Michaelstinson89@yahoo.com

7   Telephone: 510-569-2711

8   Further, all communications to Plaintiff, now acting pro se in this case, shall be

9 directed to Plaintiff at the contact information listed above.

10   IT IS SO ORDERED.

11 Dated: June 29, 2017

12

13 MORRISON C. ENGLAND, JR
          UNITED STATES DISTRICT JUDGE

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28