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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAMIDREZAZ KHAZAELI,

Plaintiff,

No. C 10-03920 WHA

v.

CITY OF CONCORD, KERRY CERLETTI,
DAVID LIVINGSTON, DAVID HUGHES,
PATRICK MURRAY, SHAHRIAR SHARIF
KHOU, aka SHAWN SHARIF, and DOES 1
through 10, inclusive,

Defendants.

**ORDER REGARDING
PLAINTIFF’S MOTION FOR
LEAVE TO FILE A MOTION FOR
RECONSIDERATION OF ORDER
GRANTING WITHDRAWAL OF
PLAINTIFF’S COUNSEL**

A recent order granted a motion by plaintiff’s counsel in this case to withdraw as counsel. Specific conditions were imposed and the order delayed the effectiveness of the withdrawal so that counsel could affirm his commitment to those conditions and comply with them before the effectiveness date. Attorney Johnson has accepted the conditions, so, by the terms of the prior order, withdrawal would otherwise become effective on February 10, 2011.

Plaintiff, however, has filed what this order will construe as a motion for leave to file a motion for reconsideration of the order granting the withdrawal. Therefore, Attorney Johnson will continue to serve as counsel for plaintiff until the Court is able to resolve the issues raised in the motion. Once again, Attorney Johnson shall remain plaintiff’s counsel in this matter until further order of the Court says otherwise; the representation does not terminate on February 10.

1 Plaintiff's motion for leave to file his brief and exhibits under seal is **GRANTED**. The
2 Clerk shall file the lodged brief and exhibits electronically under seal. Counsel shall thereafter
3 have electronic access to the meat of plaintiff's motion.


4 Attorney Johnson shall investigate and provide a full report to the Court concerning
5 plaintiff's allegation that defense counsel made threatening phone calls to plaintiff (Br. 8-9; Pl.
6 Decl. 3), giving the Court full particulars. Attorney Johnson shall provide such submission by
7 **MONDAY, FEBRUARY 14, 2011, AT NOON**. Meanwhile, Attorney Johnson may also file any
8 opposition he has to plaintiff's motion for leave to file a motion for reconsideration by **MONDAY,**
9 **FEBRUARY 14, 2011, AT NOON**.

10 Attorney Mark Coon is ordered to provide a declaration to the Court explaining
11 completely the communications he has had directly with plaintiff since the last hearing and
12 explaining anything he might have said that could have been construed as a threat by plaintiff. He
13 must submit this declaration by **MONDAY, FEBRUARY 14, 2011, AT NOON**.

14 Plaintiff's motion to shorten time is **DENIED AS MOOT**. The Court has not set a hearing
15 for the motion for leave to file a motion for reconsideration (consistent with Civil Local Rule 7-
16 9(d)), so there is no need to shorten time.

17 **IT IS SO ORDERED.**

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19 Dated: February 8, 2011.

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22 WILLIAM ALSUP
23 UNITED STATES DISTRICT JUDGE
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