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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 TOMAS LOPEZ MENEWEATHER,

6 Plaintiff,

7 vs.

8 B. POWELL, et al.,

9 Defendants.

Case No: C 07-4204 SBA

**ORDER DENYING EX PARTE
APPLICATION FOR AN ORDER
SHORTENING TIME, AND
DIRECTING SUBMISSION OF
DECLARATION FOR IN CAMERA
REVIEW**

Dkt. 116, 117

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12 This is a prisoner civil rights action under 42 U.S.C. § 1983 in which the Court
13 previously appointed the law firm of Sheppard, Mullin, Richter & Hampton (“SMRH”) to
14 represent Plaintiff in this action. SMRH has now filed a motion to withdraw as counsel of
15 record. Dkt. 116. More specifically, SMRH states that in the course of investigating
16 Plaintiff’s claims, it has uncovered a “serious” issue which precludes it from continuing to
17 represent Plaintiff in a manner consistent with the California Rules of Professional
18 Conduct. Dkt. 116. SMRH has accompanied its motion with an ex parte application to
19 hear the motion on shortened time. Dkt. 117.

20 SMRH has indicated that it will provide more information regarding the basis of its
21 request to withdraw at an *in camera* hearing. To expedite resolution of the motion,
22 however, the Court instead directs SMRH to submit an under seal declaration which
23 specifies the factual basis of the firm’s request to withdraw. The Court will review the
24 declaration *in camera*. Accordingly,

25 IT IS HEREBY ORDERED THAT:

26 1. By no later than **May 22, 2012**, SMRH shall file a declaration **under seal** for
27 *in camera* review by the Court. The declaration shall provide the factual basis of SMRH’s
28 motion to withdraw as counsel of record.

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2. SMRH's ex parte application for an order shortening time is DENIED without prejudice. In accordance with Civil Local Rule 7-1(b), the Court will resolve the motion without a hearing following its review of SMRH's in camera submission. If a hearing is required, the Court will schedule a hearing date forthwith.

3. This Order terminates Docket 117.

IT IS SO ORDERED.

Dated: May 14, 2012


SAUNDRA BROWN ARMSTRONG
United States District Judge