

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEBRA GARCIA,

Plaintiff,

v.

WELLS FARGO BANK N.A., et al.,

Defendants.

No. C 13-3670 PJH

**ORDER RE MOTION TO WITHDRAW  
AS ATTORNEY; ORDER CONTINUING  
BRIEFING SCHEDULE ON MOTION TO  
DISMISS**

Before the court is a motion to withdraw as attorney, filed by plaintiff's current counsel (the Mellen Law Firm) on March 4, 2014. The Mellen Law Firm seeks to withdraw as counsel and to substitute plaintiff Debra Garcia in pro per. Plaintiff Garcia has not filed an opposition to the motion, nor has she filed a notice of non-opposition.<sup>1</sup> The Mellen Law Firm's motion to withdraw is set for hearing on April 16, 2014.

Because plaintiff Garcia has not yet responded to the Mellen Law Firm's motion, the court directs her to file either an opposition brief or a notice of non-opposition by **April 9, 2014**. If plaintiff Garcia files a notice of non-opposition, the court will grant the Mellen Law Firm's motion, and plaintiff Garcia will be substituted in pro per. Otherwise, the April 16 hearing on the Mellen Law Firm's motion to withdraw as counsel shall go forward, as scheduled.

The court also notes that defendant Wells Fargo has filed a motion to dismiss. The deadline for opposing Wells Fargo's motion is April 7, 2014. Because the motion to withdraw must be resolved before any opposition to Wells Fargo's motion can be filed, the


---

<sup>1</sup>While the Mellen Law Firm has filed its own notice of non-opposition, that notice does not indicate, one way or the other, whether plaintiff Garcia herself opposes the motion.

1 court hereby continues the briefing schedule on Wells Fargo's motion to dismiss. Plaintiff  
2 shall have until **May 7, 2014** to file an opposition to Wells Fargo's motion, and Wells Fargo  
3 shall have until **May 14, 2014** to file a reply. The hearing date on Wells Fargo's motion to  
4 dismiss, currently scheduled for June 4, 2014, shall remain unchanged.

5 **IT IS SO ORDERED.**

6 Dated: April 1, 2014



7 \_\_\_\_\_  
8 PHYLLIS J. HAMILTON  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28