

1

2

3

4

E-FILED on 11/4/09

5

6

7

8

IN THE UNITED STATES DISTRICT COURT

9

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

SAN JOSE DIVISION

11

12

IN RE:

No. C-09-80136 MISC RMW

13

DESTRUCTION OF FIREARMS AND
AMMUNITIONORDER DENYING MOTION TO
WITHDRAW

14

[Re Docket No. 11]

15

16

17

18

On October 27, 2009 Orrick, Herrington, & Sutcliffe ("Orrick") moved to withdraw as Kevin

19

Dugan's ("Dugan") counsel in this action. The court applies California's Rules of Professional

20

Conduct to determine whether withdrawal is proper. *E.g.*, *Cal. Native Plant Soc'y v. U.S. E.P.A.*,

21

2008 WL 4911162, *1 (N.D. Cal. Nov. 14, 2008); *Elan Transdermal Ltd. v. Cygnus Therapeutic*

22

Systems, 809 F. Supp. 1383, 1387 (N.D. Cal. 1992). The motion to withdraw does not set forth any

23

basis for the motion to withdraw besides the fact that Orrick is no longer representing Dugan in his

24

related criminal appeal. Furthermore, it does not appear from the motion to withdraw that Dugan

25

has been served with the motion. Orrick's motion to withdraw is denied without prejudice.

26

27

DATED: 11/4/09


RONALD M. WHYTE
United States District Judge

28

1 **Notice of this document has been sent to:**

2 **Counsel for United States:**

3 David Countryman david.countryman@usdoj.gov
4 Brian Joseph Stretch brian.stretch@usdoj.gov

5 **Counsel for Interested Party:**

6 Alyson C Decker adecker@orrick.com

7 **Interested Party:**

8 Kevin Dugan
9 No. 99865-111
10 FCI La Tuna
11 P.O. Box 3000
12 Anthony, TX 88061

13 Counsel are responsible for distributing copies of this document to co-counsel that have not
14 registered for e-filing under the court's CM/ECF program.

15 **Dated:** 11/4/09

16 CCL
17 **Chambers of Judge Whyte**

18
19
20
21
22
23
24
25
26
27
28