

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-00407-PAB-BNB

JAMES C. FRANKS,

Plaintiff,

v.

FLINT-MCCLUNG CAPITAL, LLC,  
SHAWON MCCLUNG,  
BRYAN FLINT dba, and  
HEIDI ARNDT,

Defendants.

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**ORDER**

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On October 18, 2011, the Court issued an Order to Show Cause [Docket No. 108] why James E. Preston failed to withdraw from his representation of plaintiff James C. Franks. The Order required Mr. Preston to show cause by October 24, 2011 as to why he should not be compelled to withdraw from the above captioned action based on his suspension. Docket No. 108 at 1. Mr. Preston failed to respond.

An attorney admitted to the bar of this court must remain in good standing in all courts where admitted. D.C.COLO.LCiv.R 83.3E. "In good standing" means not subject to suspension or disbarment by any court for any reason. *Id.* On October 3, 2011, the Colorado Supreme Court suspended Mr. Preston from the practice of law. Mr. Preston's current bar status in Colorado is "suspended," meaning that he is not in good standing and ineligible to practice before this Court. Further, Mr. Preston failed to provide the Court with any reason why he should have relief from the rule of good

standing as set forth in D.C.COLO.LCivR 83.3F. Accordingly, it is

**ORDERED** that attorney James E. Preston shall be REMOVED as counsel of record for plaintiff in this case. It is further

**ORDERED** that the Clerk of the Court shall mail a copy of this Order to plaintiff at the following address: 1205 Holly Hill Dr., Franklin, Tennessee 37064 [Docket No. 65-1 at 16].

DATED October 27, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge