

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-01322-RPM

JOSEPH FRESQUEZ,

Plaintiff,

v.

OFFICER STEVEN SLOAN, in his individual and official capacity as a Denver Police officer;  
OFFICER RAUL VELASQUEZ, in his individual and official capacity as a Denver Police  
officer;

CHIEF GERALD WHITMAN, in his individual and official capacity as Denver Police Chief; and  
THE CITY AND COUNTY OF DENVER, COLORADO,

Defendants.

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ORDER GRANTING MOTION TO WITHDRAW AND DIRECTING PLAINTIFF TO SUBMIT  
STATEMENT OF INTENTION

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On August 18, 2011, Joshua Benn filed a motion to withdraw as attorney of record for the plaintiff and on August 22, 2011, Wade H. Eldridge joined in that motion. In the motion, counsel state that they believe that the plaintiff's case will not survive a motion for summary judgment and ask that counsel be appointed to pursue the case. There is no provision for the appointment of counsel to represent the plaintiff in this type of civil action and the Court cannot require counsel to go forward with a case which is not provable in their professional judgment. Accordingly, it is

ORDERED that the motion to withdraw is granted. Joshua Benn and Wade Eldridge have no further responsibility for the representation of Joseph Fresquez in this civil action and the Clerk is directed to terminate their electronic service in this case. It is

FURTHER ORDERED that on or before September 20, 2011, Joseph Fresquez shall submit the statement of his intention in this matter, indicating whether he will seek substitute counsel or proceed to represent himself or voluntarily dismiss this case. The submission shall be

made in writing by mail addressed to Clerk, U. S. District Court, 901 19<sup>th</sup> Street, Room A 105

Denver, Colorado, 80294-3589.

DATED: August 23<sup>rd</sup>, 2011

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge