

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00948-REB-KLM

DERICK LAMAR WILLIAMS-BERRIEN,

Plaintiff,

v.

DAVID WILSON, Officer, individually and in his official capacity as a paid peace officer and as an Employee and/or Agent of the Aurora Department and the City of Aurora,
GARY OLIVER, Officer, individually and in his official capacity as a paid peace officer and as an Employee and/or Agent of the Aurora Department and the City of Aurora,
ROBERT PETREE, Officer, individually and in his official capacity as a paid peace officer and as an Employee and/or Agent of the Aurora Department and the City of Aurora,
DAN OATES, Aurora Police Chief, individually and in his capacity as a paid peace officer supervisor of Officers David Wilson, Gary Oliver, and Robert Petree and as an Employee and/or Agent and/or Chief of the Aurora Police Department and the City of Aurora,
THE CITY OF AURORA, in its capacity as a governmental entity and as the employer/principal of Officers David Wilson, Gary Oliver, and Robert Petree, Aurora Police Chief Dan Oates, and the Aurora Police Department, and
AURORA POLICE DEPARTMENT, in its capacity as employer and/or supervisor of Officers David Wilson, Gary Oliver, and Robert Petree, Aurora Police Chief Dan Oates, and an Agent and/or independent contractor of the City of Aurora,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Unopposed Motion for Leave to Appear by Telephone for the Scheduling Conference on September 17, 2015** [#23] (the "Motion to Appear by Telephone") and on the **Unopposed Motion to Withdraw** [#24] (the "Motion to Withdraw"), filed by Attorney Collin J. Earl ("Earl"), counsel for Plaintiff. The Court finds that the Motion to Withdraw [#24] complies with the requirements set forth in D.C.COLO.LAttyR 5(b).

IT IS HEREBY **ORDERED** that the Motion to Withdraw [#24] is **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that Attorney Earl is relieved of any further representation of Plaintiff in this case. The Clerk of the Court is instructed to terminate Attorney Earl as counsel of record, and to remove his name from the electronic certificate of mailing. Because Attorney Earl indicates that Plaintiff is presently moving between prison facilities, **Plaintiff shall update his address with the Court within one week of his placement at a new facility.**

Because Plaintiff will now be proceeding pro se, the Court hereby notifies him that he is under a legal obligation to comply with the Federal Rules of Civil Procedure, the Local Rules in this District, and all orders of this Court. See *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992). To the extent that Plaintiff feels that he cannot bear the responsibility at this time, he may voluntarily dismiss his case without prejudice pursuant to Fed. R. Civ. P. 41(a). In order to more fully explain the responsibilities Plaintiff now bears as a pro se litigant, the Court has attached a letter as an exhibit to this Minute Order.

IT IS FURTHER **ORDERED** that the Motion to Appear by Telephone [#23] is **DENIED as moot.**

IT IS FURTHER **ORDERED** sua sponte that the Scheduling Conference set for September 17, 2015 at 11:00 a.m. is **VACATED** and **RESET** to **December 22, 2015** at **11:00 a.m.** in Courtroom A-401 of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The parties need not comply with the requirements of Fed. R. Civ. P. 16 and 26(a)(1) and D.C. COLO.LCivR. 16.1 and 16.2. The purpose of the initial conference is to consider the nature and status of the case, the timing for filing of any motions or responses, and what discovery, if any, will be needed. **Plaintiff and his/her case manager shall contact the court at: (303) 335-2770 on the above date and time in order to participate.**

Dated: September 9, 2015