

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FERNANDO GOMEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:16-cv-291-NJR-DGW
)	
K. REIHERT, et al.,)	
)	
Defendants.)	

ORDER

WILKERSON, Magistrate Judge:

This matter is before the Court on the motions to withdraw filed by Attorney Kaleb Berhe (Doc. 43) and Attorney Stephen Smith (Doc. 44). For the reasons set forth below, Attorney Berhe’s motion is **GRANTED** and Attorney Smith’s motion is **DENIED**.

Attorney Kaleb Berhe was assigned to represent Plaintiff in this matter on April 7, 2017 in accordance with 28 U.S.C. §1915(e)(1) and Local Rules 83.1(i) and 83.9(b). Attorney Berhe filed his notice of appearance on April 20, 2017 as directed by the Court (Doc. 33). Attorney Smith also filed his notice of appearance on behalf of Plaintiff on the same date (Doc. 34).

Attorney Berhe now seeks to withdraw as counsel for Plaintiff as he is being permanently relocated to the Southern California region. Although Attorney Berhe’s grounds for seeking withdrawal do not fit within the delineated grounds set forth in Local Rule 83.11(a)(1)-(3), the Court finds that Attorney Berhe’s permanent relocation is sufficient to show good cause for withdrawal. Accordingly, Attorney Berhe’s Motion to Withdraw (Doc. 43) is **GRANTED** and he is hereby terminated from his representation of Plaintiff in this action.

Attorney Smith also seeks to withdraw from his representation of Plaintiff. In his motion,

he explains that it is the policy of Littler Mendelson, P.C. that shareholders are entered into cases where firm associates are appointed by the Court. Attorney Smith indicates that counsel's involvement is generally limited. Unlike Attorney Berhe, Attorney Smith was not appointed to this matter. While it may have been his law firm's policy that he enter into this case, the Court did not require Attorney Smith to enter his appearance. Mr. Smith did so voluntarily. Accordingly, in this circumstance withdrawal of Attorney Smith is governed by Local Rule 83.1(g). Pursuant to Local Rule 83.1(g), a motion for leave to withdraw may be denied if granting it would delay the trial of the case or "would otherwise be inequitable." In this instance, Attorney Smith entered his appearance on behalf of Plaintiff and, with that, took on a responsibility to advance Plaintiff's interests to the best of his professional ability. It would be inequitable at this juncture to allow Attorney Smith to withdraw from this matter given the circumstances of his entry, lack of any particularized need to withdraw, and disposition of this matter, as Plaintiff currently has a July 24, 2017 deadline to respond to a pending motion for summary judgment. Attorney Smith's motion to withdraw (Doc. 44) is **DENIED**.

In light of this Order, Plaintiff is **GRANTED** a brief extension of time, up to and including **August 9, 2017**, to file his response to the pending motion for summary judgment on the issue of exhaustion of administrative remedies (Doc. 24).

IT IS SO ORDERED.

DATED: July 27, 2017



DONALD G. WILKERSON
United States Magistrate Judge