

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICKEY R. DUDLEY,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF ST. LOUIS BOARD OF)
 POLICE COMMISSIONERS, et al.,)
)
 Defendants.)

Case No. 4:09CV01173AGF

ORDER

This matter came before the Court on the motion of Plaintiff’s attorney, Herman L. Jimerson, to withdraw as counsel of record. [Doc. #5] In response to counsel’s motion, and again at Plaintiff’s request, the Court afforded Plaintiff additional time to obtain new counsel, and indicated that if no new attorney entered on Plaintiff’s behalf, a hearing would be held on November 25, 2009.

No new counsel having entered on behalf of Plaintiff, the Court held a hearing on November 25, 2009. Plaintiff Rickey R. Dudley was present along with his counsel of record, Herman L. Jimerson, and Defendants were represented by their attorney of record, Thomas D. Smith. Attorney Lawrence Moss, though not entering an appearance in this case, was also present and represented to the Court that he presently represents Plaintiff in a related action, and he was permitted to speak on behalf of Plaintiff. Plaintiff confirmed that he no longer wishes to have Mr. Jimerson represent him in this case. He further advised the Court that he currently has a claim for disability benefits pending

before the Police Retirement Board, which is scheduled to be heard on December 23, 2009; that a ruling could be expected within four weeks of the hearing; and that if a favorable ruling is received, he intends to dismiss the case pending before this Court. As such, Plaintiff requested that any deadline for obtaining new counsel be stayed pending a ruling on the claim for disability benefits. Plaintiff's request will be granted in part, as follows:

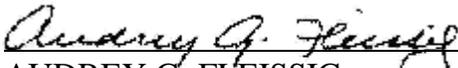
IT IS HEREBY ORDERED that the motion of Herman L. Jimerson to Withdraw as Attorney [Doc. #5] is **GRANTED**.

IT IS FURTHER ORDERED that all proceedings are stayed through **January 29, 2010**, or the receipt of a ruling on Plaintiff's request for disability benefits, whichever date occurs first.

IT IS FURTHER ORDERED that while the proceedings are stayed, Plaintiff shall obtain new counsel, who shall enter his or her appearance. Any such new counsel shall be expected to be prepared to proceed with the case upon the lifting of the stay.¹ If no new counsel enters by the date the stay is lifted, Plaintiff shall be expected to proceed pro se.

¹ At the hearing the Court referenced a deadline for responding to Defendants' motion to dismiss. [Doc. #2]. Upon further review of the file, however, the Court notes that a response was filed by Plaintiff prior to counsel's motion to withdraw, and that the issue is ripe for determination. As such, no further deadlines with respect to the motion to dismiss shall be set by the Court.

IT IS FURTHER ORDERED that on or before **December 2, 2009**, the parties shall return the consent/opt-out forms to the Clerk of Court.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of November, 2009.