

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Edward Robinson, Jr.,

Plaintiff,

v.

Diane Sabatka-Rine,

Defendant.

8:13CV197

ORDER

This matter is before the court on the motion to withdraw, [Filing No. 58](#); motion for reconsideration, [Filing No. 60](#); and a copy of an IFP memo, [Filing No. 61](#), relating to plaintiff's notice of appeal, [Filing No. 59](#).

Marnie A. Jensen, Kamron T.M. Hasan, and the law firm of Husch Blackwell LLP hereby seek leave from this court to withdraw as counsel of record. [Filing No. 58](#). They indicate their representation is over, and defendant has now filed his own appeal. The court agrees that representation of the plaintiff has ended and counsel are entitled to withdraw.

With regard to the motion for reconsideration, [Filing No. 60](#), of this court's denial of a certificate of appealability, [Filing No. 56](#), the court finds there is no basis for this motion and it is frivolous and without merit. For the same reasons set forth in [Filing No. 56, at 33](#), a certificate of appealability will not issue.

THEREFORE, IT IS ORDERED THAT:

1. Counsel's motion to withdraw, [Filing No. 58](#), is granted.
2. Plaintiff's motion for reconsideration, [Filing No. 60](#), is denied.
3. The defendant may not proceed in forma pauperis.

Dated this 23rd day of January, 2017.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge