

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Gerald P. Elia,	)	C/A No.: 3:15-4901-MGL-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Wheelz, LLC,	)	
	)	
Defendant.	)	
	)	

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This matter comes before the court on the motion of Ryan Kyle Hicks, Esq., of J. Lewis Cromer & Associates, L.L.C., to be relieved as counsel for Gerald P. Elia (“Plaintiff”). [ECF No. 17]. Mr. Hicks indicates that Plaintiff has failed to attend the last four mutually-scheduled meetings, including meetings related to discovery, and has failed to meet the financial obligations of his retainer agreement. *Id.* Mr. Hicks provided a copy of the motion to withdraw as counsel, filed on September 28, 2016, to Plaintiff. *Id.* at 2. In accordance with Local Civ. Rule 83.I.07(B), the motion also informs Plaintiff that he may file an objection to the motion within 17 days. *Id.* That time period has now passed, and Plaintiff did not file an objection to the motion. Therefore, the court grants Mr. Hicks’ motion to withdraw.

The court directs Plaintiff to notify the court by November 4, 2016, of the identity of the new attorney(s) he has retained to represent him in this case or, alternatively, of his desire to proceed with this litigation pro se, i.e., without an attorney. If Plaintiff does not wish to continue this lawsuit, he may request that the court dismiss the case in its entirety. To this end, Plaintiff shall, by November 4, 2016, complete the attached notice and mail

it to the Clerk of Court at the address indicated. If Plaintiff fails to file the attached letter with the Clerk within the time prescribed, the court will consider him as proceeding pro se.

Plaintiff is specifically advised that, if no new attorney is obtained to represent his interests, the court is unable to provide him with legal advice and will expect this litigation to be conducted in accordance with all provisions of the Federal Rules of Civil Procedure. Failure to comply with court rules could have serious consequences including, but not limited to, striking his claims and dismissing the case against Wheelz, LLC.

IT IS SO ORDERED.



October 18, 2016  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge

Name: \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Clerk of Court  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

**In Re: 3:15-4901-MGL-SVH Elia v. Wheelz, LLC**

Dear Ms. Blume:

In response to the order of Judge Hodges dated October 18, 2016, I wish to advise as follows:

- \_\_\_\_\_ 1. I, \_\_\_\_\_ (Printed Name), have obtained a new attorney to personally represent me in this matter. His [or her] name, address, and telephone number are as follows:

\_\_\_\_\_  
\_\_\_\_\_

OR

- \_\_\_\_\_ 2. I, \_\_\_\_\_ (Printed Name), have **NOT** obtained a new attorney and will represent myself in this matter. I request that the Clerk of Court direct all notices and pleadings to me at the above address. I understand that I am obligated to comply with all provisions of the Federal Rules of Civil Procedure and to keep the Clerk of Court informed as to my proper address.

- \_\_\_\_\_ 3. I, \_\_\_\_\_ (Printed Name), do not wish to continue this lawsuit and request that the court dismiss the case in its entirety.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date