

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.)	
)	

This matter comes before the court on Plaintiff’s filing [ECF No. 20] indicating that Julius W. Babb IV, Esq., of the law firm of J. Lewis Cromer & Associates, LLC, is representing Plaintiff. Mr. Babb has not made a notice of appearance on behalf of Plaintiff and the court has granted his law firm’s motion to withdraw from this matter without objection by Plaintiff. [ECF No. 17, 18]. Furthermore, Mr. Babb contacted the Clerk of Court’s office on November 1, 2016, clarifying that his firm does not represent Plaintiff. Therefore, Mr. Babb is not representing Plaintiff.

The court directs Plaintiff to notify the court by November 15, 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 retains a new attorney, his attorney should file a notice of appearance on the docket by November 15, 2016. 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 15, 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.

The court will schedule a telephonic status conference for November 17, 2016 at 10:00 a.m. to discuss Plaintiff's status of counsel and obligations to comply with Defendant's discovery in this case. The court's records indicate that 803-413-8412 is Plaintiff's telephone number, and unless Plaintiff indicates otherwise, the court plans to use this number to contact Plaintiff for the status conference. Plaintiff is directed to advise the court by November 15, 2016, if he prefers the court use another telephone number for the status conference. If counsel files a notice of appearance on Plaintiff's behalf prior to the status conference, the court anticipates canceling the hearing.

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 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, and subjecting Plaintiff to costs and sanctions.

IT IS SO ORDERED.



November 1, 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 November 1, 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. My phone number is _____.

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

Signature

Date