

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Carl Ackerman v. United States of America

No. 2:24-cv-01992-TLN-DMC, United States District Court for the Eastern District of California (October 1, 2025)

SUMMARY

The United States District Court for the Eastern District of California grants counsel’s motion to withdraw from representing Carl Ackerman based on an irreconcilable breakdown in the attorney-client relationship. The court finds minimal risk of prejudice or delay, leaves Plaintiff in pro per, refers the case to the assigned magistrate judge for most purposes, and directs service of the order on Plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 1, 2025
DOCKET	2:24-cv-01992-TLN-DMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved to withdraw from representation under Federal Rule and local-rule requirements; the United States filed a statement of non-opposition.
STANDARD OF REVIEW	The decision whether to grant or deny a motion to withdraw is reviewed under the court's discretion.
PRECEDENTIAL VALUE	Unknown
PARTIES	Carl Ackerman v. United States of America

TOPICS

civil procedure

PRACTICE AREAS

civil procedure legal ethics

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel satisfied the requirements for withdrawal under Eastern District of California Local Rule 182(d) and the California Rules of Professional Conduct.
2. Whether the court should exercise its discretion to permit counsel to withdraw given the asserted breakdown in the attorney-client relationship and the potential prejudice, delay, and effect on the administration of justice.

HOLDINGS

1. Counsel satisfied Eastern District of California Local Rule 182(d) by providing notice of the intended withdrawal, Plaintiff's current or last known address, and a showing that withdrawal complied with the California Rules of Professional Conduct.
2. The court granted counsel's motion to withdraw because good cause existed, the asserted attorney-client breakdown supported withdrawal, and granting the motion posed a low risk of prejudice, delay, or harm to the administration of justice.

KEY QUOTATIONS

“The decision to grant or deny a motion to withdraw is within a court’s discretion.” (at 1)

FACTUAL BACKGROUND

Plaintiff's counsel informed Plaintiff of the intent to withdraw and provided Plaintiff's last known address. Counsel represented that an irreconcilable break in the attorney-client relationship made it unreasonably difficult to represent Plaintiff effectively. The case was in its early stages, with no pending hearings scheduled, and the defendant did not oppose the motion.

PROCEDURAL HISTORY

Carl Ackerman brought this federal action in the Eastern District of California. His counsel, Alex Farzan and The Law Office of Alex Farzan, moved to withdraw, representing that an irreconcilable breakdown in the attorney-client relationship made effective representation unreasonably difficult. The court granted the motion, left Plaintiff in propria persona, referred the case to the assigned magistrate judge for all purposes except the pretrial conference and trial, and directed service of the order on Plaintiff.

DISPOSITION

other

CASES CITED

- McNally v. Eye Dog Found. for the Blind, Inc., No. 09-cv-AWI-SKO-01174, 2011 WL 1087117, at *1 (E.D. Cal. Mar. 24, 2011)
- Deal v. Countrywide Home Loans, No. 09-cv-01643-SBA, 2010 WL 3702459, at *2 (N.D. Cal. Sept. 15, 2010)

- CE Res., Inc. v. Magellan Group, LLC, No. 08-cv-02999-MCE-KJM, 2009 WL 3367489, at *2 (E.D. Cal. Oct. 14, 2009)
- Beard v. Shuttermart of Cal., Inc., No. 07-cv-00594-WQH-NLS, 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008)

OPINION

Carl Ackerman v. United States of America

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 CARL ACKERMAN, No. 2:24-cv-01992-TLN-DMC

12 Plaintiff, 13 v. ORDER

14 UNITED STATES OF AMERICA,

15 Defendant. 16

17 18 This matter is before the Court on a Motion to Withdraw filed by Alex Farzan and The 19 Law Office of Alex Farzan, counsel for Plaintiff Carl Ackerman (“Plaintiff”). (ECF No. 15.) 20 Defendants filed a statement of non-opposition. For the reasons set forth below, the Court 21 GRANTS the motion. 22 The Local Rules of this district require an attorney who would withdraw and leave his or 23 her client without representation to obtain leave of court upon a noticed motion. E.D. Cal. L.R. 24 182(d). Local Rule 182(d) also requires an attorney to provide notice to the client and all other 25 parties who have appeared, and an affidavit stating the current or last known address of the client. 26 Id. Finally, to comply with Local Rule 182(d), the attorney must conform to the requirements of 27 the California Rules of Professional Conduct. Id. 28 The decision to grant or deny a motion to withdraw is within a court’s discretion. 1 McNally v. Eye Dog Found. for the Blind, Inc., No. 09-cv-AWI-SKO-01174, 2011 WL 1087117, 2 at *1 (E.D. Cal. Mar. 24, 2011). District courts within this circuit have considered several factors 3 when evaluating a motion to withdraw, including the reason for withdrawal, prejudice to the 4 client, prejudice to the other litigants, harm to the administration of justice, and possible delay. 5 See, e.g., Deal v. Countrywide Home Loans, No. 09-cv-01643-SBA, 2010 WL 3702459, at *2 6 (N.D. Cal. Sept. 15, 2010); CE Res., Inc. v. Magellan Group, LLC, No. 08-cv-02999-MCE-KJM, 7 2009 WL 3367489, at *2 (E.D. Cal. Oct. 14, 2009); Beard v. Shuttermart of Cal., Inc., No. 07-cv- 8 00594-WQH-NLS, 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008). 9 In the instant case, Plaintiff’s counsel satisfied Local Rule 182(d) by filing a declaration 10 that it informed Plaintiff of its intent to withdraw and by providing the Court with Plaintiff’s last 11 known address. (ECF No. 15 at 7.) Plaintiff’s counsel also established withdrawal is proper 12 under the California Rules of Professional Conduct. More specifically, California Rule of 13 Professional Conduct

1.16(b)(4) states an attorney may withdraw from representing a client if the client renders it unreasonably difficult for the lawyers to carry out the representation effectively. Plaintiff's counsel represents that an irreconcilable break in the attorney-client relationship, rendering it unreasonably difficult for Plaintiff's counsel to effectively represent Plaintiff. (ECF No. 15 at 5.) Accordingly, there is good cause to allow Plaintiff's counsel to withdraw. The Court also finds there is a low risk of prejudice to Plaintiff and the other litigants if this motion is granted as there are no pending hearings scheduled and this case is in the early stages of litigation. Lastly, the Court cannot identify any harm to the administration of justice or possible delay that would result from granting the motion to withdraw. For the foregoing reasons, the Court hereby GRANTS the Motion to Withdraw (ECF No. 23 15), leaving Plaintiff in Pro Per. This case is REFERRED to the assigned magistrate judge for all purposes, exclusive of the pretrial conference and trial. See Local Rule 302(c)(21). The Clerk of Court is directed to serve this Order on Plaintiff at 5522 California Street, Chico, California 95973. // 1 IT IS SO ORDERED. 2 DATE: September 30, 2025 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28