

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Amber Jackson-Boyd v. Patricia Brown, et al.

Jackson-Boyd · No. 2:25-cv-00674-DC-AC · Decided November 25, 2025

OPINION

Jackson-Boyd

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 AMBER JACKSON-BOYD, No. 2:25-cv-00674-DC-AC

12 Plaintiff,

13 v. ORDER GRANTING THE MOTION TO

WITHDRAW AS COUNSEL FOR

14 PATRICIA BROWN, et al., PLAINTIFF 15 Defendant. (Doc. No. 10) 16 17 This matter is
before the court on the motion to withdraw as Plaintiff’s counsel of record 18 filed by attorney
Robert Ross Powell on August 25, 2025. (Doc. No. 10.) Pursuant to Local Rule 19 230(g), the
pending motion was taken under submission to be decided on the papers. (Doc. No. 20 13.) For
the reasons explained below, the court will grant the pending motion to withdraw as 21 counsel.

22 LEGAL STANDARD

23 An attorney’s motion to withdrawal as counsel of record is governed by the Local Rules 24 of
this court. Specifically, Local Rule 182 provides as follows: 25 Unless otherwise provided herein,
an attorney who has appeared may not withdraw leaving the client in propria persona without
leave of 26 court upon noticed motion and notice to the client and all other parties who have
appeared. The attorney shall provide an affidavit 27 stating the current or last known address or
addresses of the client and the efforts made to notify the client of the motion to withdraw. 28 1
L.R. 182(d). In addition, “[w]ithdrawal as attorney is governed by the Rules of Professional 2
Conduct of the State Bar of California, and the attorney shall conform to the requirements of 3
those Rules.” Id.

4 Rule 1.16(a) of the California Rules of Professional Conduct provides several grounds

5 upon which an attorney “shall withdraw from the representation of a client,” including if: 6 (1)
the lawyer knows or reasonably should know that the client is bringing an action, conducting a
defense, asserting a position in 7 litigation, or taking an appeal, without probable cause and for the
purpose of harassing or maliciously injuring any person; 8

(2) the lawyer knows or reasonably should know that the representation will result in violation of these rules or of the State Bar Act; (3) the lawyer's mental or physical condition renders it unreasonably difficult to carry out the representation effectively; or (4) the client discharges the lawyer. Cal. R. Prof. Conduct 1.16(a) (emphasis added). In contrast to Rule 1.16(a), a withdrawal based on the grounds listed in Rule 1.16(b) is permissive, not mandatory. Cal. R. Prof. Conduct 1.16(b). Those permissive grounds include the following: (1) the client insists upon presenting a claim or defense in litigation, or asserting a position or making a demand in a non-litigation matter, that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law; (2) the client either seeks to pursue a criminal or fraudulent course of conduct or has used the lawyer's services to advance a course of conduct that the lawyer reasonably believes was a crime or fraud; (3) the client insists that the lawyer pursue a course of conduct that is criminal or fraudulent; (4) the client by other conduct renders it unreasonably difficult for the lawyer to carry out the representation effectively; (5) the client breaches a material term of an agreement with, or obligation, to the lawyer relating to the representation, and the lawyer has given the client a reasonable warning after the breach that the lawyer will withdraw unless the client fulfills the agreement or performs the obligation; (6) the client knowingly and freely assents to termination of the representation; (7) the inability to work with co-counsel indicates that the best interests of the client likely will be served by withdrawal; (8) the lawyer's mental or physical condition renders it difficult for the lawyer to carry out the representation effectively; (9) a continuation of the representation is likely to result in a violation of these rules or the State Bar Act; or (10) the lawyer believes in good faith, in a proceeding pending before a tribunal, that the tribunal will find the existence of other good cause for withdrawal. Cal. R. Prof. Conduct 1.16(b). For permissive withdrawals, the decision to grant or deny an attorney's motion to withdraw is committed to the discretion of the trial court. "In ruling on a motion to withdraw as counsel, courts consider: (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the case." *Beard v. Shuttermart of Cal., Inc.*, No. 3:07-cv-00594-WQH-NLS, 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008); see also *CE Res., Inc. v. Magellan Grp., LLC*, No. 2:08-cv-02999-MCE-KJM, 2009 WL 3367489, at *2 (E.D. Cal. Oct. 14, 2009) (noting that "[u]ltimately, the court's ruling must involve a balancing of the equities"). For both mandatory and permissive withdrawals, representation shall not be terminated until the attorney "has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client, such as giving the client sufficient notice to permit the client to retain other counsel." Cal. R. Prof. Conduct 1.16(d).

23 ANALYSIS

24 Here, Attorney Powell moves to withdraw as counsel for Plaintiff in this action because 25
“there is a complete breakdown of any sort of workable relationship between Counsel and 26
Client.” (Doc. No. 10 at 3.) Attorney Powell explains that “[a]fter months of attempting 27
communications in which significant periods of time would pass without response and there was
28 little to no progress on issues between the parties, it became clear the relationship was 1
unworkable.” (Id. at 5.) Consequently, “there has been a fundamental and irreconcilable break- 2
down in the attorney-client relationship.” (Id. at 6.) The pending motion thus seeks permissive 3
withdrawal based on California Rule of Professional Conduct 1.16(b). (Id. at 6–7.) 4 As for the
prejudice withdrawal may cause to other parties, the court notes that 5 Defendants did not file an
opposition to the pending motion for withdrawal, nor otherwise express 6 concerns regarding
prejudice or delay. 7 As for the delay that may be caused by permitting withdrawal, the court notes
that this 8 case is still in the early stages of litigation; Defendants filed an answer just a month
before the 9 pending motion was filed, and a scheduling order has not yet issued. (See Doc. No. 9,
12.) Thus, 10 granting the pending motion and providing time for Plaintiff to obtain new counsel
to represent 11 her in this case will not cause significant delay in resolving this case. 12 Further,
Attorney Powell has “taken reasonable steps to avoid reasonably foreseeable 13 prejudice to the
rights of [Plaintiff],” by giving Plaintiff ample notice of his intention to file this 14 motion. See
Cal. R. Prof. Conduct 1.16(d). Specifically, after many previous unsuccessful 15 discussions,
Attorney Powell provided written notice to Plaintiff on June 25, 2025, two months 16 before filing
the motion, and on August 15, 2025, Attorney Powell provided Plaintiff with a copy 17 of the
motion and his declaration. (Doc. No. 10-1 at ¶¶ 5–6.) 18 Attorney Powell also provided the court
with Plaintiff’s last known mailing address and 19 email address, as required by Local Rule 182.
(Id. at ¶¶ 3–4.) 20 Having considered the motion and Attorney Powell’s representations, the court
finds that 21 the permissive withdrawal sought by counsel is appropriate under Rule 1.16(b). 22
Thus, the pending motion to withdrawal as counsel for Plaintiff will be granted. Plaintiff 23 will
be provided thirty (30) days to obtain new counsel to represent her in this action or to inform 24
the court of her intention to proceed pro se in this case.

25 CONCLUSION

26 For the reasons set forth above: 27 1. The motion to withdraw as counsel for Plaintiff (Doc.
No. 10) is GRANTED; 28 2. The Clerk of the Court is directed to terminate Robert Ross Powell
as the counsel 1 of record for Plaintiff; 2 3. Attorney Powell shall comply with all obligations
under Rule 1.16(e) of the 3 California Rules of Professional Conduct regarding release of a
client’s papers and 4 property and return of unearned fees, if any; 5 4. Within thirty (30) days from
the date of entry of this order, Plaintiff shall file 6 either: (i) a notice of appearance by new
counsel obtained to represent her in this 7 action, or (11) a notice informing the court that she will
continue prosecuting this 8 action pro se; 9 5. Plaintiff is warned that his failure to comply with
this order may result in the court 10 dismissing this action due to her failure to prosecute and

failure to comply with the 11 court's order; 12 6. Plaintiff is substituted in pro se and is directed to comply with all future hearing 13 dates and the rules of the court; 14 7. The Clerk of the Court is directed to enter the following contact information as 15 Plaintiff's address of record; 16 Amber Jackson-Boyd 24493 Pulliam Rd. 17 Thompsonville, IL 92890 18 littlethundersquaw61 @ yahoo.com 19 8. The Clerk of the Court is directed to serve this order on Plaintiff by mail and by 20 email. 21

09 IT IS SO ORDERED. □

23 | Dated: _ November 25, 2025 IVs Os Dena Coggins 24 United States District Judge 25 26 27 28