

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANA MARTIN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER

14-cv-410-bbc

In this action for judicial review of defendant Carolyn W. Colvin's denial of plaintiff Dana Martin's claim for social security benefits, plaintiff's lawyer, Dana Duncan, filed a motion on November 10, 2014, seeking leave to withdraw as plaintiff's counsel. Dkt. #11. He asked the court to stay the filing date for his motion in support of plaintiff's claim until he had written to plaintiff to advise him that counsel will not be pursuing his case and to determine whether plaintiff will be seeking new counsel. The court set a deadline for the filing of any opposition to Mr. Duncan's motion, but only the parties of record were notified; plaintiff received no notice directly from the court.

Because plaintiff must be given an opportunity to be heard on his lawyer's request to withdraw and because the court does not have an address for plaintiff, I am directing Duncan to serve his motion and this order on plaintiff no later than December 15, 2014.

Plaintiff may have until January 5, 2015 to respond to Duncan's motion and state

any objection he has to it. Even if plaintiff does not object to Duncan's motion, he must respond to this motion to advise the court whether he intends to continue to pursue this case and, if so, whether he plans to go forward without a lawyer or would like an opportunity to try to find different counsel. If plaintiff does not respond by January 5, 2015, his counsel's motion will be granted and plaintiff's case will be dismissed for failure to prosecute.

Entered this 9th day of December, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge