

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

BOBBY W. BARNES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-2118-JWL
	)	
FOOT LOCKER RETAIL, INC.,	)	
	)	
Defendant.	)	

**ORDER**

This case comes before the court on the motion of Nancy J. Morales Gonzalez for leave to withdraw as counsel for defendant Foot Locker Retail, Inc. (**doc. 16**).

D. Kan. Rule 83.5.5 governing withdrawal of counsel provides:

An attorney seeking to withdraw must file and serve a motion to withdraw on all counsel of record, and provide a proposed order for the court. In addition, **the motion must be served personally or by certified mail, restricted delivery, with return receipt requested on the withdrawing attorney's client.** (Emphasis added.)

Ms. Gonzalez has failed to comply with D. Kan. Rule 83.5.5 in that there has been no evidence that she has served a copy of her motion upon her client. Notwithstanding, the court notes that defendant will continue to be represented by other counsel who have already entered their appearances in this case.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-mentioned motion (**doc. 16**) is granted.

2. Ms. Gonzalez is granted leave to withdraw as counsel of record for defendant. However, Ms. Gonzalez shall serve a copy of the motion filed along with a copy of this order upon her client.

3. Copies of this order shall be served by the clerk on all counsel of record.

Dated this 13th day of July, 2006, at Kansas City, Kansas.

s/ James P. O'Hara

James P. O'Hara

U.S. Magistrate Judge