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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUDUBON SOCIETY OF PORTLAND,

Plaintiff - Appellant,

v.

NATURAL RESOURCES
CONSERVATION SERVICE,

Defendant - Appellee.

No. 12-35988

D.C. No. 3:10-cv-01205-HZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted May 13, 2014**
Portland, Oregon

Before: GOODWIN, IKUTA, and N.R. SMITH, Circuit Judges.

Audubon Society of Portland (“Audubon”) appeals following the district court’s judgment in Audubon’s action against the U.S. Natural Resources Conservation Service, assigning error to the order awarding Audubon attorneys’

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

fees. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *See Barjon v. Dalton*, 132 F.3d 496, 500 (9th Cir. 1997). We affirm.

The district court's award of attorneys' fees was not an abuse of discretion. Courts calculate attorneys' fees according to the prevailing market rates in the relevant community. *See id.* "Generally, the relevant community is the forum in which the district court sits." *Id.* Although the district court is located in Portland, Oregon, its jurisdiction includes the entire state of Oregon. Because Audubon did not provide satisfactory evidence showing that Portland was the appropriate community for purposes of establishing its attorneys' hourly rates, the district court did not abuse its discretion by applying Oregon statewide rates.

AFFIRMED.