

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

PATRICK D. DORMAN,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

Case No. 07-CV-673-FHM

OPINION AND ORDER

The Motion for Relief Pursuant to Fed. R. Civ. P. 60(b)(6) filed by Plaintiff's counsel, [Dkt. 53] is before the court for decision. The Motion for Relief Pursuant to Fed. R. Civ. P. 60(b)(6) is GRANTED.

The court remanded this case to the Commissioner for further administrative action. On remand the Commissioner issued a fully favorable decision. A Notice of Award was issued, but the Notice was misdirected and counsel's receipt of the Notice was delayed. The instant motion was filed promptly after receipt of the Notice of Award. Counsel requests an order allowing the filing of the motion for 406(b) fees beyond the 14 day time frame specified by Fed. R. Civ. P. 54(d)(2)(B) as permitted by *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006). Counsel represents that the Commissioner has no objection to this request.

The Motion for Relief Pursuant to Fed. R. Civ. P. 60(b)(6) filed by Plaintiff's counsel, [Dkt. 53] is GRANTED. A motion for an attorney fee award under §406(b), together with the required notice to Plaintiff and statement concerning any objection thereto, may be filed within 30 days of the date of this Order.

SO ORDERED this 13th day of February, 2012.

Frank H. McCarthy
FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE