

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 09a0799n.06

No. 08-4503

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Dec 17, 2009
LEONARD GREEN, Clerk

MICHAEL TYRONE TODD,)

Plaintiff-Appellant,)

v.)

COMMISSIONER OF SOCIAL SECURITY,)

Defendant-Appellee.)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE
NORTHERN DISTRICT OF
OHIO

**MEMORANDUM
OPINION**

BEFORE: NORRIS, CLAY, and SUTTON, Circuit Judges.

PER CURIAM. Plaintiff, Michael Todd, appeals from an order of the district court denying his application for attorney fees following an order by the district court reversing the denial of benefits. The district court concluded that fees were not warranted because the government's position was substantially justified. 28 U.S.C § 2412(d).

Having had the benefit of oral argument and having carefully considered the record on appeal, the briefs of the parties, and the applicable law, we are not persuaded that the district court erred in denying plaintiff's application for attorney fees.

Because the reasoning which supports denial of attorney fees has been articulated by the district court, the issuance of a detailed written opinion by this court would be duplicative and serve no useful purpose. Accordingly, the judgment of the district court is **AFFIRMED** upon the reasoning used by that court in its order entered September 2, 2008.