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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RONALD L. PORTER,

CASE NO. 1:06-cv-00880-AWI-SMS

Plaintiff,

**ORDER DIRECTING  
SUPPLEMENTAL BRIEFING**

v.

RAY MABUS, Secretary,  
Department of the Navy,

Defendant.

(Doc. 69)

Plaintiff, Ronald Porter, appearing *pro se*, has moved for an order compelling Defendant to provide discovery and for sanctions against Defendant for failure to provide discovery. The sole claim in the second amended complaint is the propriety of the amount of EEOC’s award of attorneys’ fees and costs to Plaintiff, who was the prevailing party in the underlying administrative action.

The Court’s review of legal authority in conjunction with Plaintiff’s motion to compel discovery reveals ambiguity regarding the nature of a district court’s review of an EEOC award of fees and costs. Does a district court review the administrative fee award under a discretionary standard as a circuit court of appeal would review a district court’s fee order, or does the district court determined the award of fees and costs *de novo*?

Each party is directed to submit a supplemental brief addressing this question, not to exceed ten (10) pages, on or before January 4, 2013. If necessary, either or both parties may

1 submit a response to the opposing party's brief, not to exceed five (5) pages, on or before January  
2 9, 2013. The motion to compel discovery shall then be deemed submitted for decision pursuant  
3 to Local Rule 230(h) (Fed. R. Civ. P. 78).

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7 IT IS SO ORDERED.

8 **Dated: December 18, 2012**

**/s/ Sandra M. Snyder**  
**UNITED STATES MAGISTRATE JUDGE**