(SS) Cockren v. Co	ommissioner of Social Security	Doc. 31
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7	IN THE UNITED STATES DISTRICT COURT FOR THE	
8	EASTERN DISTRICT OF CALIFORNIA	
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10	ELZO COCKREN, SR.,	1:09cv0169 DLB
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12	Plaintiff,	ORDER RE ADDITIONAL BRIEFING ON PLAINTIFF'S MOTION FOR
13	VS.	ATTORNEY FEES (Document 30)
14	COMMISSIONER OF SOCIAL	
15	SECURITY,	
16	Defendant.	
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18	Petitioner Denise Bourgeois Haley ("Counsel"), attorney for Plaintiff Elzo Cockren, filed the	
19	instant motion for fees on December 12, 2011. Counsel requests fees in the amount of \$9,000.00	
20	pursuant to 42 U.S.C. § 406(b)(1).	
	According to the moving papers, Counsel alternately bases the fee request on "25% of the net	
21	payable past due benefits" and "13.9% of the past due benefits paid or payable" to Plaintiff. Motion,	
22	p. 4. There is no explanation for the discrepancy in the percentage amounts.	
23	The Court is unable to determine independently the actual percentage requested by Counsel	
24	based on the amount of past due benefits. Counsel repeatedly indicates that Plaintiff is entitled to	
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26	\$16,161.40 in retroactive benefits. Motion, p. 3; Declaration of Denise Bourgeois Haley ("Haley	
27	Dec.") ¶ 4. However, the request for \$9,000.00 in fees does not equal 25% or 13.9% of past due	
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benefits totaling \$16,161.40. Counsel has provided a copy of the Notice of Award dated October 20, 2011, which reportedly identifies the total amount of past due benefits. Exhibit 3 to Haley Dec. The Notice of Award is missing multiple pages and it neither identifies the total past due benefits nor provides a basis for determining such an amount. Based on the discrepancy and the incomplete Notice of Award, the Court cannot verify Counsel's request for fees or render a decision. Therefore, Counsel SHALL SUBMIT additional briefing regarding the calculation for the fee request, along with a complete copy of the Notice of Award (Exhibit 3 to the Declaration of Denise Bourgeois Haley) within **fourteen (14) days** of the date of this order. IT IS SO ORDERED. Dated: February 1, 2012