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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICK GALLAGHER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CASE NO. 1:10-cv-942-AWI-SKO

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
PLAINTIFF'S COUNSEL'S MOTION
FOR ATTORNEY'S FEES BE
GRANTED**

(Docs. No. 32, 40)

On October 3, 2012, the Magistrate Judge issued Findings and Recommendations that Plaintiff's counsel's motion for an award of attorney's fees pursuant to 42 U.S.C. § 406(b) be granted. These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed within fourteen (14) days after service of the order. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's Findings and Recommendations are supported by the record and proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations issued October 3, 2012, are ADOPTED IN
3 FULL;
- 4 2. Plaintiff's counsel's motion for an award of attorney's fees pursuant to Section
5 406(b) in the amount of \$9,337.37 is GRANTED; and
- 6 3. Plaintiff's counsel shall REFUND to Plaintiff \$7,000 of the Section 406(b) fees
7 awarded as an offset for EAJA fees previously awarded pursuant to 28 U.S.C.
8 § 2412(d).
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11 IT IS SO ORDERED.

12 Dated: October 29, 2012

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14 CHIEF UNITED STATES DISTRICT JUDGE