

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

FRANK AZEVEDO,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

1:11-CV-1341 AWI SAB

ORDER GRANTING
DEFENDANT'S MOTION FOR
RECONSIDERATION AND
VACATING ORDER

(Doc. Nos. 29, 30)

On March 21, 2013, the Court adopted a Findings and Recommendation and reversed and remanded this case for an award of benefits to Plaintiff. On June 19, 2013, Plaintiff filed a motion for attorney's fees. On June 21, 2013, the Court signed Plaintiff's proposed order granting the requested fees. On July 1, 2013, Defendant filed a motion for reconsideration of the June 21, 2013 order on the grounds of clerical mistake and that Defendant had not had an opportunity to oppose the motion.

After reviewing the file, Defendant is correct that an error occurred. The order granting attorney's fees was signed in error and inadvertently. It is not the practice of the Court to grant motions for attorney's fees without first giving the other party an opportunity to file an opposition. Under these circumstances, it is appropriate to grant Defendant's motion and to vacate the June 21, 2013 order. See Fed. R. Civ. Pro. 60(a); Blanton v. Anzalone, 813 F.2d 1574, 1577 n.2 (9th Cir. 1987).

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant's motion for reconsideration (Doc. No. 30) is GRANTED;
2. The June 21, 2013 order of the Court (Doc. No. 29) is VACATED; and
3. Plaintiff's motion for attorney's fees is REFERRED to Magistrate Judge Boone.

IT IS SO ORDERED.

Dated: July 2, 2013

SENIOR DISTRICT JUDGE