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

WILLIAM JOSEPH FINLEY,)	Case No.: 1:16-cv-0272 - JLT
)	
Plaintiff,)	ORDER AWARDING ATTORNEY’S FEES
)	PURSUANT TO THE EQUAL ACCESS TO
v.)	JUSTICE ACT AND DENYING THE REQUEST
)	FOR COSTS WITHOUT PREJUDICE
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	

On February 20, 2017, the parties stipulated for the award and payment of attorney’s fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$6,000. (Doc. 20) With the stipulation, Plaintiff also “requests that the Court find... the Commissioner’s position was not substantially justified, and award \$6,000 in attorney fees under 28 U.S.C. § 2412(d) and \$400 as the Plaintiff’s filing fee as costs under 28 U.S.C. § 2412(a).” (*Id.* at 1)

Significantly, it does not appear that the parties stipulate to the \$400 award of costs under the Equal Access to Justice Act. Plaintiff offers no argument as to why the Court should find the Commissioner’s position was not substantially justified, and the Court declines to grant the request for costs without briefing from the parties regarding the issue.

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Accordingly, the Court **ORDERS**:

1. Subject to the terms of the parties' stipulation, fees in the total amount of \$6,000.00 are **AWARDED** to Plaintiff, William Finley;
2. Plaintiff's request for costs in the amount of \$400.00 is **DENIED** without prejudice; and
3. Any motion to for costs under the Equal Access to Justice Act **SHALL** be filed within fourteen days of the date of service of this order.

IT IS SO ORDERED.

Dated: February 21, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE