

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DAVID R. DOBSON,

Plaintiff,

No. 2:09-cv-01460 KJN

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

On September 25, 2012, plaintiff filed a motion for attorney’s fees under the Equal Access to Justice Act (“EAJA”) and pursuant to 42 U.S.C. § 406(b), noticed for hearing on November 15, 2012. (Dkt. No. 36.) On October 23, 2012, the Commissioner filed an opposition to plaintiff’s motion and a request that the matter be submitted on the briefing. (Dkt. No. 37.)

Having reviewed the record, the court finds that oral argument would not be of material assistance in determining the pending motion. Therefore, the court will not entertain oral argument, and will determine the motion on the record. See E.D. Cal. L.R. 230(g). If the court subsequently concludes that oral argument may be necessary, it will set a hearing at such time.

However, plaintiff will be permitted to file a reply to the Commissioner’s opposition in accordance with this order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


Accordingly, IT IS HEREBY ORDERED that:

1. The November 15, 2012 hearing on plaintiff's motion for attorney's fees is
VACATED.

2. Plaintiff shall file any reply in support of his motion no later than November 8,
2012, after which the motion will be submitted on the record.

IT IS SO ORDERED.

DATED: October 24, 2012


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE