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

10 LATOYA N. PETERS O/B/O,  
11 MINOR CHILD, K.R.,

12 Plaintiff,

No. CIV S-09-1891 KJM

13 vs.

14 MICHAEL J. ASTRUE,  
Commissioner of Social Security,

15 Defendant.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff's motion for an award of attorney's fees under the Equal Access to  
18 Justice Act (EAJA), 28 U.S.C. § 2412(d)(1) is pending before the court. Defendant contends  
19 after applying the CPI-U applicable to the area in which plaintiff's counsel performed the  
20 services would result in an hourly fee of \$178.04. See Sorenson v. Mink, 239 F.3d 1140, 1148-  
21 49 (9th Cir. 2001). Defendant did not, however, submit any evidence supporting this contention.

22 Accordingly, within seven days from the date of this order, defendant shall submit  
23 evidence supporting the CPI-U and hourly rate calculations set forth in defendant's brief,  
24 including the applicable average CPI-U for 2009, 2010 and March 1996.

25 DATED: June 11, 2010.

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U.S. MAGISTRATE JUDGE