

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

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

Plaintiff, No. CIV S-09-1891 KJM

VS.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant. ORDER

Plaintiff's motion for an award of attorney's fees under the Equal Access to AJA), 28 U.S.C. § 2412(d)(1) is pending before the court. Defendant contends the CPI-U applicable to the area in which plaintiff's counsel performed the d result in an hourly fee of \$178.04. See Sorenson v. Mink, 239 F.3d 1140, 1148-001). Defendant did not, however, submit any evidence supporting this contention.

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

DATED: June 11, 2010.

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**U.S. MAGISTRATE JUDGE**