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

THOMAS KOERNER,

Plaintiff,

No. CIV S-09-2240 LKK GGH (TEMP)

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER

Defendant.

On February 17, 2012, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

Accordingly, the court presumes any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

Accordingly, IT IS ORDERED that the Findings and Recommendations filed February 17, 2012, are ADOPTED and

1 1. Plaintiff's request for EAJA fees is granted and plaintiff is awarded \$5,178.28
2 in attorney's fees under EAJA, said fees made payable to plaintiff; however, plaintiff is to in turn
3 pay these fees to his attorney.

4 2. Plaintiff's request for fees under 42 U.S.C 406(b) is granted in the amount of
5 \$6,159.72. The Commissioner is directed to pay plaintiff's counsel the sum of \$6,159.72 in
6 § 406(b) attorneys' fees with the remainder withheld from the back benefits (\$5,178.28), i.e. ,
7 the amount of EAJA fees, to be disbursed to plaintiff. The sum payable to plaintiff's counsel
8 shall be increased by any administrative offset imposed on the EAJA fee.

9 DATED: March 13, 2012.

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13 LAWRENCE K. KARLTON
14 SENIOR JUDGE
15 UNITED STATES DISTRICT COURT
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