1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ANDY ALLAN MOON, No. 2:14-cv-00861 AC 12 Plaintiff. 13 **ORDER** v. 14 NANCY A. BERRYHILL, Acting Commissioner of Social Security, 15 Defendants. 16 17 Plaintiff sought judicial review of a final decision of the Commissioner of Social Security 18 ("Commissioner"), denying her application for Disability Income Benefits under Title II of the 19 Social Security Act. On May 20, 2016, the court the parties' stipulation for voluntary remand and 20 remanded the action to the Commissioner for further review. ECF No. 21. 21 Now pending before the court is plaintiff's December 20, 2016 motion for an award of 22 attorney's fees pursuant to 42 U.S.C. § 406(b). ECF No. 28. In this motion, in violation of 23 Eastern District of California Local Rule 140(a), counsel filed documents with the court 24 containing plaintiff's full, unredacted social security number. ECF 28-2. 25 On October 18, 2016, the Commissioner filed a response to plaintiff's motion. ECF 26 No. 31. The Commissioner asserts that, due to plaintiff's counsel's delay in filing for fees under 27 §406(b), the amount held for counsel fees has been released to the plaintiff and is now 28 1

recoverable only from the plaintiff. ECF No. 30 at 3. This motion remains under consideration. Prior to reaching a decision, the court ORDERS as follows: (1) Plaintiff's counsel must file, within 30 days of this order, a signed declaration that defendant has been provided with a copy of plaintiff's counsel's motion for fees, inclusive of all exhibits (ECF No. 21, including Exhibits 1-4), or proof of service of the same. (2) The clerk's office shall seal ECF 28-2, and plaintiff shall re-file the document with proper redactions in compliance with Local Rule 140(a) within 30 days of this order. DATED: June 15, 2017 UNITED STATES MAGISTRATE JUDGE