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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 WILLIAM J. POWERS,

No. C 06-5423 SI

9 Plaintiff,

**ORDER RE: PLAINTIFF'S PETITION
FOR ATTORNEYS' FEES PURSUANT
TO 42 U.S.C. § 406(b)**

10 v.

11 MICHAEL J. ASTRUE, Commissioner of Social
12 Security,13 Defendant.
14 _____/

15 Plaintiff's counsel has filed a petition for attorneys' fees pursuant to 42 U.S.C. § 406(b). The
16 petition is scheduled for a hearing on July 31, 2009. The government asserts that the amended petition
17 is deficient because it refers to exhibits that are not attached to the amended petition. However, those
18 exhibits were attached and filed in connection with the original petition (Docket No. 47). If the
19 government wishes to file a supplemental response addressing those exhibits, the government may do
20 so no later than **July 22, 2009**. In addition, it is unclear from the filings whether plaintiff's counsel has
21 served a copy of the amended petition, with all exhibits, on plaintiff. Because the § 406(b) fee award
22 is payable from funds withheld from plaintiff's past-due benefits, plaintiff should receive a copy of the
23 fee petition. Accordingly, plaintiff's counsel is directed to file a proof of service on plaintiff Powers of
24 the complete petition, with exhibits, no later than **July 22, 2009**. The July 31, 2009 hearing is
25 VACATED, and the Court will rule on the petition based on the papers submitted.

26 **IT IS SO ORDERED.**

27 Dated: July 15, 2009

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SUSAN ILLSTON
United States District Judge