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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELENA O'CONNOR,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,Defendant.
_____ /

No. C-09-01508 JCS

**ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES
[Docket No. 27]**

On September 27, 2010, the Court entered judgment in favor of Plaintiff, reversing the decision of the Social Security Commissioner denying Plaintiff's request for disability benefits and remanding for award of benefits. On December 27, 2010, Plaintiff filed a Motion for Attorneys' Fees. The Court denied the motion without prejudice.

Plaintiff now seeks an order approving, under the Social Security Act, 42 U.S.C. § 406(b), payment by the Commissioner of attorneys' fees to counsel from the past benefits due to Plaintiff. In the Motion, Plaintiff seeks \$8,872.00, which is 25% of the award of past due benefits that Ms. O'Connor was recently informed is owed to her. *See* Docket No. 27, Ex. 1, Social Security Award Notice. Plaintiff informs the Court and the Commissioner that the \$4,661.59 in fees already paid to Plaintiff's attorney will be refunded.

The Commissioner has filed a statement of non-opposition to the Plaintiff's Motion. *See*

1 Docket No. 28. Accordingly, the motion is GRANTED. The Commissioner is hereby authorized to
2 award counsel for Plaintiff \$8,872.00 as provided by the Social Security Act, 42 U.S.C. § 406(b).
3 Counsel shall reimburse Plaintiff \$4,661.50.

4 IT IS SO ORDERED.

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6 Dated: May 1, 2012

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10 JOSEPH C. SPERO
11 United States Magistrate Judge
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