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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL C. COOPER,
Plaintiff,

No. C-10-4299 EMC

v.

MICHAEL J. ASTRUE, *Commissioner of
Social Security*,
Defendant.

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND
RECOMMENDATION RE PLAINTIFF’S
COUNSEL’S UNOPPOSED MOTION TO
WITHDRAW MOTION FOR
ATTORNEYS’ FEES WITHOUT
PREJUDICE**

(Docket Nos. 37, 45)

Previously, the Court granted Plaintiff’s motion for summary judgment and denied Defendant’s cross-motion. *See* Docket No. 24 (order). Thereafter, Plaintiff filed a motion for attorney’s fees pursuant to the Equal Access to Justice Act and costs pursuant to 28 U.S.C. § 1920. *See* Docket No. 27 (motion). The parties resolved the motion through a stipulation. *See* Docket Nos. 29-30 (stipulation and order). Subsequently, Plaintiff’s counsel moved for attorney’s fees pursuant to 42 U.S.C. § 406(b). *See* Docket No. 31 (motion). This motion was referred to Judge James for a report and recommendation (“R&R”). *See* Docket No. 34 (order).

Judge James has now issued her R&R for Plaintiff’s counsel’s amended motion. *See* Docket No. 37 (amended motion); Docket No. 45 (R&R). In the R&R, Judge James recommends that this Court grant Plaintiff’s counsel’s unopposed motion to withdraw the fee motion without prejudice to re-filing. *See* Docket No. 45 (R&R at 2). No party has objected to Judge James R&R.

United States District Court
For the Northern District of California

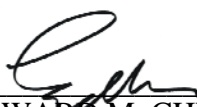
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The Court finds the R&R correct, well reasoned, and thorough, and adopts it in every respect. Accordingly, the Court hereby **GRANTS** Plaintiff's counsel's unopposed motion to withdraw the fee motion without prejudice to re-filing.

This order disposes of Docket Nos. 37 and 45.

IT IS SO ORDERED.

Dated: June 10, 2015



EDWARD M. CHEN
United States District Judge