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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CONSTANCIA N. LOPEZ,

Plaintiff,

No. C 07-2649 PJH

v.

BRIEFING ORDERMICHAEL J. ASTRUE, Commissioner
of Social Security Administration,

Defendant.

On August 12, 2008, the court granted in part and denied in part both Lopez's and the Commissioner's respective motions for summary judgment, and remanded the matter for limited further proceedings before the administrative law judge ("ALJ"). Subsequently, on May 15, 2009, the court denied plaintiff's counsel's request for fees under the Equal Access to Justice Act ("EAJA"). On June 17, 2010, plaintiff's counsel filed a motion for attorney's fees pursuant to 42 U.S.C. § 406(b)(1)(A).

As recognized by the Supreme Court, the Commissioner has no direct financial stake in § 406(b) requests but instead "plays a part in the fee determination resembling that of a trustee for the claimants." See *Gisbrecht v. Barnhart*, 535 U.S. 789, 798, fn. 6. (2002).

Defendant is ORDERED to file an opposition, if any, to plaintiff's motion **twenty-one days** from the date of this order. Plaintiff's reply, if any, is due **no later than fourteen days** after defendant files his opposition. The court will decide the motion on the papers.

IT IS SO ORDERED.

Dated: June 24, 2010



PHYLLIS J. HAMILTON
United States District Judge