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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALZATA ELAINE HENDERSON,  
Plaintiff,  
v.  
CAROLYN W. COLVIN,  
Defendant.

Case No. [14-cv-02779-KAW](#)

**ORDER VACATING 8/4/16 HEARING;  
ORDER REQUIRING DEFENDANT TO  
FILE A SURREPLY**

Plaintiff’s motion for attorneys’ fees under the Equal Access to Justice Act (“EAJA”) is set for hearing on August 4, 2016. For the first time in her reply, Plaintiff seeks 7.0<sup>1</sup> hours billed in connection with the instant motion. (Pl.’s Reply, Dkt. No. 29 at 3-4.) While Plaintiff is entitled to recover fees in connection with making a fees motion under the EAJA, the failure to include the request in the initial moving papers deprived the Commissioner of the opportunity to argue for a reduction. Accordingly, the August 4, 2016 hearing is VACATED, and Defendant is ordered to file a surreply, within 7 days of this order, addressing only whether the 7.0 hours expended in connection with the collection of EAJA fees is reasonable. Failure to timely file a surreply will be treated as a non-opposition to this portion of the fee request.

Upon receipt of the surreply, the Court will determine whether a hearing is necessary or if the matter is suitable for disposition without oral argument pursuant to Civil Local Rule 7-1(b).

IT IS SO ORDERED.

Dated: July 29, 2016

  
KANDIS A. WESTMORE  
United States Magistrate Judge

<sup>1</sup> Plaintiff miscalculated the number of hours as 8.0. (Pl.’s Reply at 3.)