

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
SENIOR JUDGE WALKER D. MILLER

Civil Action No. 06-cv-00583-WDM

DELL R. MCDERMOTT,

Plaintiff

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant

ORDER ON MOTION TO REOPEN

Miller, J.

This case is before me on Plaintiff's Motion to Reopen Pursuant to Fed. R. Civ. P. 60(b)(6) (doc no 36) seeking to reopen this matter in order to file a request for an award of attorneys' fees. After remand, Plaintiff obtained a favorable decision and an award of past due benefits. Plaintiff now seeks attorney's fees pursuant to 42 U.S.C. § 406(b)(1). The Commissioner has not filed an objection to the request to reopen. Plaintiff's motion will be granted.

Accordingly, it is ordered:

1. Plaintiff's Motion to Reopen Pursuant to Fed. R. Civ. P. 60(b)(6) (doc no 36) is granted.

2. This matter is reopened for the limited purpose of permitting Plaintiff to file a motion for an award of attorneys' fees.

DATED at Denver, Colorado, on January 26, 2009.

BY THE COURT:

s/ Walker D. Miller
United States Senior District Judge