

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARLOS FIGUEROA HIGAREDA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Social Security
Commissioner;

Defendant.

4:15CV3135

ORDER

This matter is before the court on plaintiff's request that defendant file an award of benefits and for attorney fees. [Filing No. 23](#). On October 17, 2016, this court found in favor of the plaintiff and remanded this action to the Commissioner to award benefits. [Filing No. 19](#). The court also ordered the plaintiff to file a motion for attorney fees within fourteen days of the Order. The court extended that time, and the plaintiff filed his request for attorney fees. [Filing No. 23](#).

The government objects, contending that the social security administration has not yet computed final benefits, and that in any event, once that happens it is the responsibility of the plaintiff to file such information, not the government. The court agrees but notes that such a delay hinders the plaintiff's motion for fees. Accordingly, the court will deny the motion for a copy of the award from the government and for attorney fees at this time. However, the court will permit the plaintiff to re-file its motion for attorney fees within 30 days of his receipt of the award from the Commissioner.

THEREFORE, IT IS ORDERED THAT plaintiff's motion for a copy of the award and for attorney fees, [Filing No. 23](#), is denied at this time. Plaintiff shall have 30 days from the receipt of his social security award to file a motion for attorney fees with the court.

Dated this 9th day of January, 2017.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge