

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RICHARD LEROY BILTON,

Plaintiff,

v.

Civ. No. 16-109 GJF

NANCY A. BERRYHILL, *Acting
Commissioner of the Social Security
Administration,*

Defendant.

**ORDER DENYING MOTION FOR ORDER
AUTHORIZING ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(B)**

This matter is before the Court on Plaintiff's "Motion for Order Authorizing Attorney Fees Pursuant to 42 U.S.C. § 406(B) and Supporting Memorandum" ("Motion") [ECF No. 41].

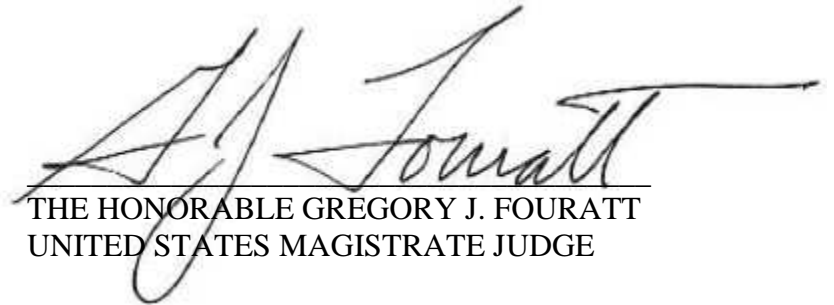
The Motion will be denied.

Pursuant to this Court's rules, a "[m]ovant must determine whether a motion is opposed, and a motion that omits a recitation of a good-faith request for concurrence may be summarily denied." D.N.M.LR-Civ. 7.1(a). Plaintiff's counsel neither sought concurrence nor recites the same. Instead, counsel merely states that "[o]pposing counsel will either concur in or oppose this motion once they have had an opportunity to read the motion and discuss it with the Commissioner's personnel." ECF No. 41 at 2.

The only exception to the requirement of making a good faith request for concurrence is "in pro se inmate cases." D.N.M.LR-Civ. 7.1(a). Admittedly, in circumstances where common sense makes it so obvious that a motion will be opposed, the Court may excuse counsel's failure to comply with this rule. However, the instant Motion does not fall into that exceptional

circumstance. Thus, the Motion will be summarily denied without prejudice for failure to comply with the local rule.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE