

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DORIS ANDRUS-MAXWELL,

Plaintiff,

v.

Civ. No. 22-cv-0009 JHR/KK

LEEROSS BENAVIDEZ,

Defendant.

MEMORANDUM OPINION AND ORDER
GRANTING PLAINTIFF'S ATTORNEY'S FEES AND COSTS

THIS MATTER comes before the Court following its recent Memorandum Opinion and Order Granting Plaintiff's Motion to Remand. [Doc. 12]. The Court, among others, granted Plaintiff Doris Andrus-Maxwell's request for reasonable attorney's fees and costs. [Doc. 12, pp. 3-4]. Maxwell filed her Affidavit in Support of Attorney's Fees on June 20, 2022. [Doc. 16]. Defendant Leeross Benavidez did not respond and the time to do so has passed. [See Doc. 12, p. 4].

Maxwell seeks \$2,427.19 in expenses for 10 hours of work at \$225.00 per hour. [Doc. 16, pp. 2-3]. Local Rule 7.1(b) provides that "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b). "[L]ocal rules of practice, as adopted by the district court, have the force effect of law, and are binding upon the parties and the court which promulgated them . . ." *Smith v. Ford Motor Co.*, 626 F.2d 784, 796 (10th Cir. 1980) (internal citation and quotation omitted). Maxwell's affidavit is functionally a motion for attorney's fees, and Benavidez failed to respond. Benavidez' failure constitutes consent to grant attorney's fees. Moreover, the Court has independently examined Maxwell's requested fees and found them reasonable.

Accordingly, the Court grants Maxwell's request for reasonable attorney's fees and costs, and awards her the amount requested: \$2,427.19. Benavidez shall make this payment within thirty (30) days of the entry of this Order.

SO ORDERED.



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent