

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

XAVIER CANALES,

Plaintiff,

No. 03:10-cv-01200-HZ

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

ORDER

Defendant.

Plaintiff Xavier Canales brought this action seeking review of the Commissioner's decision to deny his applications for disability insurance benefits (DIB) and supplemental security income (SSI). In an October 4, 2011 Opinion & Order, I reversed the Commissioner's decision, concluding that the Administrative Law Judge (ALJ) had erred improperly rejected the opinion of an examining psychologist and that remand for an award of benefits was appropriate. Judgment was entered on October 4, 2011.

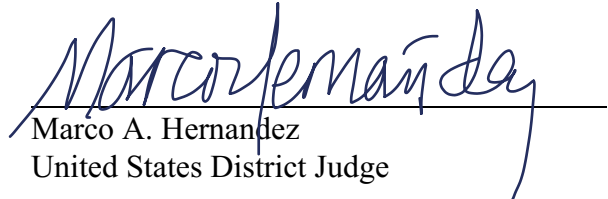
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no

objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#30] and award plaintiff's counsel \$16,018.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded plaintiff attorney's fees in the amount of \$4,418.50 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send plaintiff's attorney the balance of \$11,599.75, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 27 day of Oct, 2012


Marco A. Hernandez
United States District Judge