

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 15 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RICHARD THOMAS FOX,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant - Appellee.

No. 07-15719

D.C. No. CV-05-03930-EMC

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, Magistrate Judge, Presiding

Submitted September 8, 2008**

Before: PREGERSON, McKEOWN and N.R. SMITH, Circuit Judges.

The joint motion for attorneys' fees pursuant to the Equal Access to Justice

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Act is granted. *See* 28 U.S.C. § 2412(d). Attorneys' fees in the amount of \$3,550.00 are awarded in favor of appellant. *See* 9th Cir. R. 39-1.6; 9th Cir. Gen. Ord. 6.3(a) & App. A, ¶ 50.

The joint motion for a full remand is granted, and the district court's judgment entered January 25, 2007 is vacated and remanded.

Pursuant to sentence four of 42 U.S.C. § 405(g), the district court shall remand the case to the Commissioner of Social Security for further administrative proceedings.

VACATED and REMANDED.