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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VERITA GILL,)	No. 09-35257
)	
Plaintiff – Appellant,)	D.C. No. 3:07-CV-00812-HU
)	
v.)	MEMORANDUM*
)	
COMMISSIONER SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant – Appellee.)	
_____)	

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted June 7, 2010**
Portland, Oregon

Before: HALL, FERNANDEZ, and McKEOWN, Circuit Judges.

Verita Gill appeals the district court’s award of fees pursuant to the Equal
Access to Justice Act. 28 U.S.C. § 2412. We affirm.

*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. Fed. R. App. P. 34(a)(2).

Gill asserts that the district court erred when it determined that the number of reasonably expended hours¹ was less than the number actually expended by counsel. We disagree. We have reviewed the district court's decision and the record, and we are unable to say that the district court abused its discretion² when it explained that, considering the nature and complexity of this case, it was unreasonable for counsel to expend more than the forty hours the district court allowed.³ Put another way, we have scrutinized the decision and the record with particular care because we insist that district courts eschew policies that turn into substitutes for the exercise of their discretion,⁴ but that error did not occur here.

AFFIRMED.

¹See Hensley v. Eckerhart, 461 U.S. 424, 433–34, 103 S. Ct. 1933, 1939, 76 L. Ed. 2d 40 (1983); Comm'r, INS v. Jean, 496 U.S. 154, 163, 110 S. Ct. 2316, 2321, 110 L. Ed. 2d 134 (1990); Atkins v. Apfel, 154 F.3d 986, 988 (9th Cir. 1998).

²See Atkins, 154 F.3d at 987.

³See Moreno v. City of Sacramento, 534 F.3d 1106, 1111 (9th Cir. 2008); Sorenson v. Mink, 239 F.3d 1140, 1145 (9th Cir. 2001); Cunningham v. County of L.A., 879 F.2d 481, 484–85 (9th Cir. 1989).

⁴See Moreno, 534 F.3d at 1116.