

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 18 2012

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

KARAPET GASPARYAN,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant - Appellee.

No. 10-56946

D.C. No. 2:07-cv-03268-PJW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Patrick J. Walsh, Magistrate Judge, Presiding

Argued and Submitted May 7, 2012
Pasadena, California

Before: NOONAN and FISHER, Circuit Judges, and MUELLER, District Judge.**

Petitioner Karapet Gasparyan appeals the district court's denial of his motion for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). We affirm.

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

**The Honorable Kim Mueller, United States District Judge for the Eastern District of California, sitting by designation.

Despite the district court's many invitations, Gasparyan failed to provide any meaningful rebuttal to the government's showing that its position was substantially justified. The district court's denial of attorney's fees thus was not an abuse of discretion. *See Gutierrez v. Barnhart*, 274 F.3d 1255, 1258 (2001) (explaining that the decision whether to award fees under the EAJA, including the district court's conclusion that the government's position was substantially justified, is reviewed for abuse of discretion).

AFFIRMED.