

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

RODNEY E. MILLER	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:13-CV-380 JD
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**OPINION AND ORDER**

This was an appeal of a final decision of the Defendant Commissioner of Social Security to deny benefits to the Plaintiff, Rodney E. Miller. The Court found in favor of Mr. Miller and remanded this case to the Commissioner for further proceedings, and the parties have now filed a Joint Stipulation to Award EAJA Fees in the amount of \$6,000.00. [DE 30].

The EAJA provides that “a court may award reasonable fees and expenses of attorneys . . . to the prevailing party in any civil action brought by or against the United States or any agency.” 28 U.S.C. § 2412(b). A party seeking an award of fees for a successful action against the government is entitled to recover his attorneys’ fees if: (1) he was a prevailing party; (2) the government’s position was not substantially justified; (3) there are no special circumstances that would make an award unjust; and (4) the application for fees is timely filed with the district court (that is, within thirty days after the judgment is final and not appealable). 28 U.S.C. § 2412(d)(1)(A), (B) and (d)(2)(G); *Cunningham v. Barnhart*, 440 F.3d 862, 863 (7th Cir. 2006); *Golembiewski v. Barnhart*, 382 F.3d 721, 723–24 (7th Cir. 2004). Attorneys’ fees may be awarded if either the Commissioner’s pre-litigation conduct, which includes the Administrative Law Judge’s decision, or the Commissioner’s litigation position lacked

