

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

TONY BELCHER,)
)
 Plaintiff,) Action No. 5:07-cv-00337-JMH
)
 v.)
) **MEMORANDUM OPINION AND ORDER**
 CAROLYN W. COLVIN,)
 Acting Commissioner of)
 Social Security)
)
 Defendant.)

** ** * * *

This matter is before the Court upon Plaintiff's Motion for Attorney's Fees [DE 16] pursuant to 42 U.S.C. § 406(b)(1), in which he seeks an award of attorney's fees to Plaintiff's attorney for representing Plaintiff in the underlying matter. Defendant has responded, stating no objection [DE 22].

Plaintiff has entered into a fee agreement which provides for a reasonable fee for services in court as determined by the court, not to exceed 25 percent of past due benefits. The total accrued past due benefits paid to Plaintiff and his auxiliaries is \$230,820.90, according to Defendant. Plaintiff's attorney states she received \$11,000 from the agency in fees pursuant to 42 U.S.C. Section 406(a). The requested amount of \$46,705.23 plus the previously awarded \$11,000 is one cent more than 25 percent of the past due benefits withheld for the possible payment of attorney fees. Having considered the matter, \$46,705.22 appears to be a reasonable fee for services in district court. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 798 n. 6 (2002).

Accordingly, **IT IS ORDERED:**

(1) that Plaintiff's Motion for Attorney's Fees [DE 16] pursuant to 42 U.S.C. § 406 (b)(1) is **GRANTED** and

(2) that Plaintiff's counsel is awarded attorney's fees of \$46,705.22.

This the 5th day of October, 2016.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge