

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

GENE S. GROVES,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2010-7057

Appeal from the United States Court of Appeals for
Veterans Claims in 06-1252, Chief Judge William P.
Greene, Jr.

ON MOTION

Before GAJARSA, SCHALL, and MOORE, *Circuit Judges.*
PER CURIAM.

O R D E R

Gene S. Groves moves for fees under the Equal Access
to Justice Act (EAJA) incurred during his appeal before
this court.

On November 15, 2010, this court granted the Secre-
tary of Veterans Affairs' motion to remand Groves' appeal

to allow the United States Court of Appeals for Veterans Claims to rule on Groves' pending motion for reconsideration. Groves appeared before this court without representation. Groves subsequently filed this motion seeking \$10,280.98 in total expenses and fees, including \$9,962.50 for 79.7 hours of legal research at \$125.00 per hour.

Pro se litigants like Groves are not eligible to recover attorney fees under EAJA. *Naekel v. Dep't of Transp., F.A.A.*, 845 F.2d 976, 981 (Fed. Cir. 1988) ("We conclude that neither EAJA nor the Back Pay Act authorizes payment to Mr. Naekel for the time spent acting pro se in his appeal to this court."); *see also Hexamer v. Foreness*, 997 F.2d 93, 94 (5th Cir. 1993) (denying attorney fees under EAJA to pro se litigant); *Demarest v. Manspeaker*, 948 F.2d 655, 655-56 (10th Cir. 1991) (same); *Sommer v. Sullivan*, 898 F.2d 895, 895-96 (2d Cir. 1990) (per curiam), *cert. denied*, 498 U.S. 980 (1990) (same); *Merrell v. Block*, 809 F.2d 639, 642 (9th Cir. 1987) (same). With regard to the additional amount Groves seeks for copying expenses and postage, this court's prior remand order did not award him costs and he has never submitted an itemized and verified bill.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

APR 18 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Gene S. Groves
Steven M. Mager, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

APR 18 2011

JAN HORBALY
CLERK