

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JUDY CURLEY, o/b/o J.K.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:07cv905-CSC
	)	(WO)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

On September 16, 2008, plaintiff’s counsel filed an application for attorney’s fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1). (Doc. # 27). Plaintiff’s counsel requested that payment of fees be paid to counsel because the plaintiff signed a fee agreement in which she assigned any fees awarded to her attorney. The parties agree that \$4,280.48 is a reasonable attorney’s fee in this case. See Docs. # 31 & 32.

On May 5, 2008, the Eleventh Circuit Court of Appeals decided *Reeves v. Astrue*, \_\_\_ F.3d \_\_\_, 2008 WL 1930587 (11<sup>th</sup> Cir. May 5, 2008) (No. 07-11404) in which the Court unambiguously held that “attorney's fees are awarded to the prevailing party, not to the prevailing party's attorney.” *Id.* Accordingly, upon consideration of the motion and for good cause, it is

ORDERED as follows:

1. That the plaintiff’s application for attorney’s fees and expenses (doc. # 27) be and is hereby GRANTED to the extent that the plaintiff be and is hereby AWARDED fees

and expenses in the amount of \$4,280.48.

2. To the extent that plaintiff's counsel requests that fees should be awarded to directly to counsel, 28 U.S.C. § 2412(d)(1)(A) authorizes the court to award fees to the prevailing party. *See* 28 U.S.C. § (d)(2)(B). *See also Reeves v. Astrue*, \_\_\_ F.3d \_\_\_, 2008 WL 1930587 (11<sup>th</sup> Cir. May 5, 2008) (No. 07-11404). The motion that fees be paid directly to counsel be and is hereby DENIED.

Done this 15<sup>th</sup> day of October, 2008.

\_\_\_\_\_/s/Charles S. Coody\_\_\_\_\_  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE