

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

TIMOTHY RACINE BULGER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:13cv127-CSC
)	(WO)
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security)	
)	
Defendant.)	

ORDER

Now pending before the court is the defendant's *amended* response to the plaintiff's motion for an award of attorney's fees which the court construes as a motion to amend the award of fees.¹ (Doc. # 23). On December 5, 2014, the defendant filed a response in which she stated that she agreed to pay fees in the amount of \$2,703.81. However, that amount was incorrect. In fact, the parties agreed that the defendant would pay to the plaintiff \$2,793.81 in attorney's fees and \$8.17 in expenses for a total award of \$2,801.98. *See* Doc. # 23.

Accordingly, upon consideration of the motion to amend, and for good cause, it is

ORDERED as follows:

1. That the court's order dated December 5, 2014 (doc. # 22) be and is hereby VACATED.

¹ The court notes that a motion as opposed to an amended response is the appropriate vehicle to correct the defendant's error.

2. The defendant's motion to amend the award of attorney's fees (doc. # 23) be and is hereby GRANTED.

3. That the motion for attorney's fees (doc. # 19) be and is hereby GRANTED to the extent that the plaintiff be and is hereby AWARDED attorney's fees in the amount of \$2,793.81 and expenses in the amount of \$8.17 for a total award of \$2,801.98.

4. 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.² See 28 U.S.C. § (d)(2)(B). See also *Astrue v. Ratliff*, — S.Ct. —, 2010 WL 2346547 (2010). The motion that fees be paid directly to counsel be and is hereby DENIED.

Done this 8th day of December, 2014.

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

² On May 5, 2008, the Eleventh Circuit Court of Appeals decided *Reeves v. Astrue*, 526 F.3d 732 (11th Cir. 2008) in which the Court unambiguously held that "attorney's fees are awarded to the prevailing party, not to the prevailing party's attorney." *Id.* at 738. On June 14, 2010, the United States Supreme Court decided *Astrue v. Ratliff*, — S.Ct. —, 2010 WL 2346547 (2010) in which the Court unambiguously held that attorney's fees are awarded to the prevailing litigant, not to prevailing litigant's attorney. See also *Reeves v. Astrue*, 526 F.3d 732, 738 (11th Cir. 2008) ("attorney's fees are awarded to the prevailing party, not to the prevailing party's attorney.").