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

SHERRY RENA HUDSON,   )
)
        Plaintiff,   )
)
v.   )   CASE NO.: 1:17-cv-192-GMB
)
NANCY A. BERRYHILL, Acting   )   [wo]
Commissioner, Social Security   )
Administration,   )
)
        Defendant.   )

ORDER

Before the court is Plaintiff Sherry Rena Hudson's Petition for Attorney's Fees

Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A). Doc. 26.

Hudson seeks an award of attorney's fees in the amount of $5,770.74 based on 29.3

hours of attorney time. Under the EAJA, a party who prevails against the United States in

court may be awarded fees payable by the United States if the government's position in the

litigation was not "substantially justified." 28 U.S.C. § 2412(d)(1)(A); *see also Jackson v.*

Comm'r, 601 F.3d 1268, 1271 (11th Cir. 2010). The Commissioner does not object to an

award of fees, but objects to compensation for 0.3 of an hour of the claimed time, which is

the amount of time Hudson's counsel spent on a motion for extension of time. Doc. 27.

Other courts have concluded that requests for extensions of time are clerical tasks

which ought not be compensated under the EAJA. *See Gibson v. Colvin*, No. 4:03-CV-90,

2013 WL 2422611, at *3 (S.D. Ga. June 3, 2013) (finding the 1.99 hours the Commissioner

identified as related to mistakes and extensions will not be compensated); *Mobley v. Apfel*,

104 F. Supp. 2d 1357, 1360 (M.D. Fla. 2000) (holding that clerical tasks not compensated including letter concerning extension orders). This court is persuaded by the reasoning of these courts and finds that the Hudson's claimed time is due to be reduced by the 0.3 of an hour spent on the motion for extension of time. Doc. 26-1 at 2.

Accordingly, it is ORDERED that the Motion for Attorney Fees (Doc. 27) is GRANTED to the extent that the Plaintiff is awarded fees in the amount of $5,711.70.

DONE this 22nd day of October, 2018.

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GRAY M. BORDEN
UNITED STATES MAGISTRATE JUDGE