

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

PHYLLIS V. KNIGHTEN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:03cv244-SRW
)	(WO)
MICHAEL ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff commenced this action seeking review of the decision of the Commissioner of Social Security denying her claim for benefits. This court reversed the decision of the Commissioner and remanded the case pursuant to sentence six of 42 U.S.C. 405(g). On remand, the Commissioner determined that plaintiff was entitled to past-due benefits. This action is presently before the court on the petition of plaintiff’s counsel, pursuant to 42 U.S.C. § 406(b), for authorization to charge plaintiff an attorney’s fee in the amount of \$9,020.25 for 45.4 hours of work before this court¹. The Commissioner does not object (see Doc. # 21).

42 U.S.C. § 406(b)(1)(A) provides, in relevant part:

Whenever a court renders a judgment favorable to a claimant under this subchapter who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits

¹ This includes time spent in administrative proceedings after the sentence-six remand.

to which the claimant is entitled by reason of such judgment . . .

42 U.S.C. § 406(b)(1)(A).

Upon an independent review of the record, the court concludes that the fee sought is reasonable and does not exceed 25 percent of the total past due benefits payable to the plaintiff.

Accordingly, it is

ORDERED that plaintiff's motion for authorization of fees (Doc. # 25) is GRANTED, and plaintiff's counsel is authorized to collect fees in the amount of \$9,020.25 from plaintiff's past due benefits.

Done, this 28th day of August, 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE