

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

TRACY L. BINION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07cv716-SRW
)	(WO)
MICHAEL ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff brought the present action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision by the Commissioner of Social Security denying her benefits under the Social Security Act. On October 3, 2008, this court reversed the Commisisoner’s decision and remanded the case for further proceedings pursuant to sentence four of § 405(g). Plaintiff has filed an application for an award of attorneys fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d)(1)(A). Plaintiff’s application seeks fees in the total amount of \$2,375.00. The Commissioner does not contest the petition and requests that this court award fees in the amount sought by plaintiff’s counsel. Upon an independent review of the record, the court concludes that the position of the Commissioner in this litigation was not substantially justified, and further that the amount of fees sought by plaintiff’s counsel is reasonable.

For the foregoing reasons, it is

ORDERED that the plaintiff’s application for attorney fees (Doc. # 25) is GRANTED,

and plaintiff is awarded EAJA fees in the total amount of \$2,375.00.

DONE, this 14th day of January, 2009.

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