

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

KEVIN C. BYRD,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE, Commissioner)
of Social Security,)
)
Defendant.)

CIVIL ACTION NO. 2:08cv67-SRW
(WO)

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 him benefits under the Social Security Act. On June 23, 2009, this court reversed the decision of the Commissioner and remanded the case to the Commissioner for further proceedings pursuant to sentence four of § 405(g). Plaintiff’s counsel 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 and expenses in the total amount of \$1,625.00. The Commissioner does not contest the petition and requests that this court award fees and expenses 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 and expenses sought by plaintiff’s counsel is reasonable.

For the foregoing reasons, it is

ORDERED that the plaintiff’s petition for attorney fees is GRANTED, and plaintiff

is awarded EAJA fees in the total amount of \$1,625.00.

Done, this 8th day of October, 2009.

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