

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

HOYT R. SCOTT,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:08cv201-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 him benefits under the Social Security Act. On October 24, 2008, this court reversed the Commissioner’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 \$3,570.57. The Commissioner does not contest the petition and requests that this court award fees in the amount sought by plaintiff’s counsel. Additionally, in view of plaintiff’s assignment of the EAJA award to his counsel, the Commissioner does not object to payment of the EAJA award directly to counsel as plaintiff’s assignee. (See assignment attached to Doc. # 23, assigning EAJA attorney fees to attorney). 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 EAJA motion (Doc. # 23) is GRANTED, and plaintiff is awarded EAJA fees in the amount of \$3,570.57, payable directly to plaintiff's counsel – Georgia Ludlum – as plaintiff's assignee.

DONE, this 14th day of January, 2008.

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