

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

KENNETH DAWSON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MICHAEL J. ASTRUE, )  
 Commissioner of Social Security, )  
 )  
 Defendant. )

CIVIL ACTION NO. 2:08CV232-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 March 31, 2009, on the motion of the Commissioner, this court reversed the decision and remanded the case 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 in the total amount of \$2,708.59. 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 sought by plaintiff’s counsel is reasonable.

For the foregoing reasons, it is

**ORDERED** that the plaintiff’s petition for attorney fees (Doc. # 18) is **GRANTED**,

and plaintiff is awarded EAJA fees in the total amount of \$2,708.59, payable to plaintiff's counsel, Darryl W. Hunt.<sup>1</sup>

Done, this 27<sup>th</sup> day of July, 2009.

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

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<sup>1</sup> Plaintiff has assigned any EAJA award to his attorney. See Fee Agreement attached to Doc. # 18.