

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

ANNIE LOVELESS o/b/o JCB, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
 )  
Defendant. )

CIVIL ACTION NO. 2:09CV808-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 11, 2010, on 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 \$2,000.00. The Commissioner does not oppose the petition and agrees to pay the amount sought by plaintiff. 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. # 18) is GRANTED,

and plaintiff is awarded EAJA fees in the total amount of \$2,000.00.

Done, this 18<sup>th</sup> day of June, 2010.

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