

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

RUBY ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:06CV492-SRW
)	(WO)
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff’s late brother, Arthur J. Goshay, 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 7, 2007, this court remanded the case to the Commissioner for consideration of new evidence pursuant to sentence six of § 405(g). On remand, the Commissioner awarded benefits, and this court has now entered judgment affirming the Commissioner’s decision. Plaintiff Ruby Robinson¹ has filed a motion 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 \$2,625.93, representing payment for 5.3 attorney hours at the rate of \$176.59 per hour and 26 paralegal hours at the rate of \$65.00 per hour. The Commissioner does not object to an award of fees in the amount requested. Additionally, in view of Arthur J. Goshay’s

¹ Ruby Robinson was substituted as the plaintiff in this action by order entered February 17, 2009. (See Doc. # 26).

assignment of the EAJA award to his counsel, the Commissioner does not object to payment of the EAJA award directly to counsel. (See assignment attached to Doc. # 29, assigning EAJA attorney fees to attorneys). 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.

Accordingly, it is

ORDERED that the plaintiff's EAJA motion (Doc. # 29) is GRANTED, and plaintiff is awarded EAJA fees in the total amount of \$2,625.93, payable directly to plaintiff's counsel – Charles L. Martin and Micki Beth Stiller – as plaintiff's assignees.

Done this 14th day of April, 2009.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE