

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRANDI M. HOPKINS,,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 09-00436-N
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This action is before the Court on plaintiff’s motion (doc. 18) for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1), and the response (doc. 20) filed by the Commissioner of Social Security. The parties filed a consent to the jurisdiction of the undersigned as a Magistrate Judge. (Doc. 14). Upon consideration of all pertinent materials presented, the undersigned finds that plaintiff’s counsel, in addition to \$350.00 in court costs,¹ is entitled to receive as a reasonable attorney fee for 25.50 hours of legal services rendered by plaintiff’s attorney in this court the amount of \$3,938.18 pursuant to both the EAJA² and the agreement of the parties.³ It is, therefore,

¹The Commissioner advises that “[c]osts, such as the filing fee, are paid by the Department of Justice out of the Judgment Fund, and not paid out of agency funds. (Doc. 20 at n. 1).

²Plaintiff commenced this action under 42 U.S.C. §405(g) seeking judicial review of a final decision of the Commissioner denying her application for Disability Insurance Benefits. (Doc. 1). The Commissioner thereafter filed an Answer admitting the material allegations of the Complaint (doc. 9) and, subsequently, an unopposed motion (doc. 13) to Remand the cause to the Commissioner under Sentence four of 42 U.S.C. § 405(g). The parties also filed a consent to the jurisdiction of the undersigned as a Magistrate Judge. (Doc. 14). An order and judgment was

ORDERED that the plaintiff's motion for an award of attorney's fees is hereby **GRANTED** to the extent that plaintiff's counsel, Byron A. Lassiter, is hereby awarded attorney's fees in the amount of \$3,938.18 pursuant to the EAJA as compensation for 25.50 hours of legal services rendered in this court, plus costs in the amount of \$350.00.

Done this 22nd day of March, 2010.

/s/ KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE

then entered by the undersigned on January 15, 2010, wherein the case was reversed and remanded to the Commissioner pursuant to 42 U.S.C. § 405(g) for further proceedings and the plaintiff was held to be a prevailing party for purposes of the EAJA. (Docs. 16 and 17).

³This agreement to a compromise settlement of plaintiff's request for attorney's fees was first attested to by the Commissioner in his response (doc. 20), but later orally confirmed by plaintiff's counsel.