

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

TERRY A. PARSONS,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 11-00452-N
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This action is now before the Court on plaintiff's motion (doc. 27-28) for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. This action has been referred to the undersigned Magistrate Judge to conduct all proceedings in accordance with 28 U.S.C. § 636(c) and Fed. R.Civ.P. 73 (doc. 24) and pursuant to the consent of the parties (doc. 22).

Plaintiff commenced this action under 42 U.S.C. §405(g) seeking judicial review of a final decision of the Commissioner denying his application for Social Security Income and Disability Insurance Benefits. (Doc. 1). The Commissioner thereafter filed an Answer (doc. 13) and the administrative hearing transcript (doc. 14). Plaintiff filed a brief on December 14, 2011 (doc. 15) and the Commissioner filed his responsive brief on February 29, 2012 (doc. 18). The parties waived oral arguments (doc. 21). An order and judgment reversing and remanding the case was entered on August 28, 2012 (docs. 25 and 26). Plaintiff is thus the prevailing party.

Plaintiff timely filed a motion for attorney's fees under the EAJA in the amount of \$545.76 (doc. 27). The Commissioner has now advised the Court that he "will not oppose Plaintiff's Motion." (Doc. 30 at 1).

Upon consideration of all pertinent materials presented, including the Commissioner's lack of opposition and agreement to pay the amount sought by the plaintiff (doc. 30), the undersigned concludes that the plaintiff is entitled to receive as a reasonable attorney fee for 3 hours of legal services rendered by plaintiff's attorney in this court the amount of \$545.76 pursuant to the EAJA. It is, therefore, **ORDERED** that plaintiff's motion (doc. 27) be and is hereby **GRANTED** and Plaintiff is awarded \$545.76 for attorney's fees under the EAJA.

DONE this 18th day of December, 2012.

/s/ Katherine P. Nelson
KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE