

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

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|--|---|-------------------------------|
| MATTIE FOSTER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:09-00792-N |
| |) | |
| MICHAEL J. ASTRUE, Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER

This action is before the Court on plaintiff's motion (doc. 26) for an award of attorney's fees in the amount of \$1,559.16 pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1), and the response (doc. 26) filed by Defendant Michael J. Astrue ("Commissioner"). The Court is advised that the Commissioner will not oppose plaintiff's motion and agrees to pay the plaintiff \$1,559.16 in attorney fees under the EAJA. The parties filed a consent to the jurisdiction of the undersigned as a Magistrate Judge. (Doc. 22). Upon consideration of all pertinent materials presented, the undersigned finds that plaintiff is entitled to receive as a reasonable attorney fee for 9.0 hours of legal services rendered by plaintiff's attorney in this court the amount of \$1,559.16 pursuant to both the EAJA¹ and the Commissioner's lack of opposition (doc.

¹Plaintiff 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

28). It is, therefore, **ORDERED** that the plaintiff's motion for an award of attorney's fees is hereby **GRANTED** and the plaintiff hereby awarded attorney's fees in the amount of \$1,559.16 pursuant to the EAJA as compensation for 9.0 hours of legal services rendered in this court by her counsel.

Done this 23rd day of July, 2010.

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

the jurisdiction of the undersigned as a Magistrate Judge. (Doc. 14). An order and judgment was 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).