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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Merinda M. Lopez,  
Plaintiff,

vs.

Michael J. Astrue,  
Commissioner of Social Security,  
Defendant.

No. CV 09-1740-PHX-MHM

**ORDER**

Currently before the Court is Plaintiff’s Application for Attorney’s Fees Pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d)(1)(A). (Doc. 21). The Commissioner of Social Security (the “Commissioner”) filed a Response, (Doc. 22), and Plaintiff filed a Reply. (Doc. 23). After reviewing the pleadings, the Court issues the following Order.

**I. BACKGROUND**

On August 21, 2009, Plaintiff sought judicial review of the Commissioner’s decision rejecting her disability claim. (Doc. 1). On July 27, 2010, the Court granted the Parties’ stipulation to remand the case to the Social Security Administration. (Doc. 19). Plaintiff subsequently filed her motion for attorney’s fees on August 26, 2010. (Doc. 21).

**II. REQUEST FOR ATTORNEY’S FEES**

Plaintiff has requested attorney’s fees in the amount of \$4,616.03 for 26.80 hours of work. In its reply brief, the Commissioner stated that “in the interest of conserving litigation

1 and judicial resources, he will not oppose Plaintiff's Application for Attorney Fees." (Doc.  
2 22). Accordingly, Plaintiff shall be awarded attorney's fees in the amount of \$4,616.03 for  
3 26.80 hours of work.<sup>1</sup>

4 **III. EAJA AWARD DISBURSEMENT**

5 The Commissioner argues that the EAJA award should be disbursed directly to the  
6 Plaintiff and not to Plaintiff's counsel. In light of the Supreme Court's recent decision in  
7 Astrue v. Ratliff, the Court agrees with the Commissioner. 130 S.Ct. 2521, 2529 (2010)  
8 (holding that the plain text of the EAJA "awards fees to the litigant.") Accordingly, the  
9 Court will direct the Clerk to pay attorney's fees to the Plaintiff.

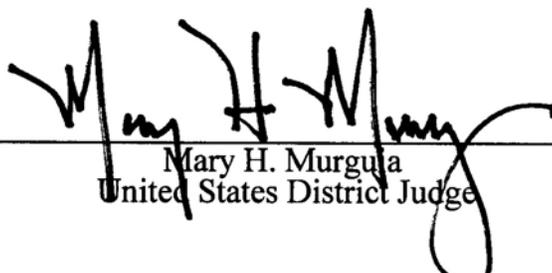
10 **Accordingly,**

11 **IT IS ORDERED** that Plaintiff's Application for Attorney's Fees Pursuant to the  
12 Equal Access to Justice Act is GRANTED. (Doc. 27). Plaintiff is awarded attorney's fees  
13 totaling \$4,616.30, resulting from 26.80 attorney hours.

14 **IT IS FURTHER ORDERED** that Plaintiff is awarded \$350.00 in costs, to be paid  
15 out of the Judgment Fund, as administered by the Department of Justice.

16 **IT IS FURTHER ORDERED** that all fees and costs shall be paid directly to  
17 Plaintiff, Merinda Lopez.

18 DATED this 29<sup>th</sup> day of March, 2011.

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23 \_\_\_\_\_  
24 Mary H. Murgula  
25 United States District Judge

26 <sup>1</sup>Plaintiff is also entitled to an award of costs under the EAJA, 28 U.S.C. § 2412(a)(1).  
27 The Commissioner does not contest Plaintiff's request for \$350.00 in costs. However, costs,  
28 unlike expenses, are administered by the Department of Justice. As such, the Court will direct  
that the \$350.00 awarded to the Plaintiff for costs under the EAJA shall be paid out of the  
Judgment Fund, and not from the Commissioner's funds.