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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Robert L. Cerqua,

10 Plaintiff,

11 v.

12 Carolyn W. Colvin,

13 Defendant.

No. CV-15-00123-PHX-DGC

**ORDER**

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16 Plaintiff has made an application to this Court for attorney's fees under the Equal  
17 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Doc. 22. The Commissioner does  
18 not oppose the motion. Doc. 23.

19 The EAJA provides:

20 Except as otherwise specifically provided by statute, a court shall award to  
21 a prevailing party other than the United States fees and other expenses . . .  
22 incurred by that party in any civil action (other than cases sounding in tort),  
23 including proceedings for judicial review of agency action, brought by or  
24 against the United States in any court having jurisdiction of that action,  
25 unless the court finds that the position of the United States was  
26 substantially justified or that special circumstances make an award unjust.

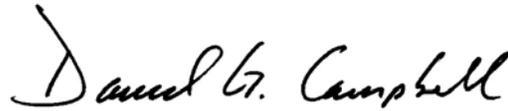
27 28 U.S.C. § 2412(d)(1). Courts routinely award attorney's fees under this provision to  
28 claimants who successfully challenge the Social Security Administration's denial of  
disability insurance benefits and supplemental security income. *See, e.g., Tobeler v.*

1 *Colvin*, 749 F.3d 830 (9th Cir. 2014). Where a successful claimant seeks attorney’s fees,  
2 “[i]t is the government’s burden to show that its position was substantially justified,” *id.*  
3 at 832, or that special circumstances make an award unjust.

4 Plaintiff is a “prevailing party” within the meaning of the EAJA because the Court  
5 reversed the Commissioner’s decision and remanded for an award of benefits. Doc. 22.  
6 The Court concludes that the fees requested by Plaintiff are reasonable and consistent  
7 with rates awarded in comparable cases.

8 **IT IS ORDERED** that Plaintiff’s motion for attorney’s fees (Doc. 22) is **granted**.  
9 Plaintiff is awarded \$4,989.72 under the EAJA.

10 Dated this 13th day of January, 2016.

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15 David G. Campbell  
16 United States District Judge  
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