

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

**THOMAS IVY and CAROL IVY,
husband and wife**

PLAINTIFFS

v.

Case No. 1:11CV00034 KGB

**STACEY AVEY, individually and in his capacity as County
Judge for Stone County, Arkansas; DAN BROWN and
BETTY BROWN, husband and wife; and STONE COUNTY,
ARKANSAS**

DEFENDANTS

ORDER

Before the Court is plaintiffs' motion for attorney's fees (Dkt. No. 27). Plaintiffs brought this action against Stone County Judge Stacey Avey; Stone County, Arkansas; Dan Brown; and Betty Brown, alleging claims under 42 U.S.C. § 1983 and common law. Plaintiffs' claims against Stone County and Judge Avey were dismissed by Order granting the parties' joint motion to dismiss (Dkt. No. 19). Separate defendants Mr. and Mrs. Brown did not answer or otherwise respond to plaintiffs' complaint and did not otherwise appear in this matter. By previous Order, the Court entered default judgment against Mr. and Mrs. Brown and awarded judgment in favor of plaintiffs against Mr. and Mrs. Brown in the amount of \$3,900.00.

This Court determined that plaintiffs are entitled to an award of costs and fees incurred. Pursuant to 42 U.S.C. § 1988(b), the Court in its discretion may allow reasonable attorney's fees to the prevailing party in a § 1983 action. Plaintiffs have filed a motion seeking \$1,828.00 in attorney's fees. Plaintiffs do not request a separate award for costs. For good cause shown, the Court finds plaintiffs' request for \$1,828.00 in attorney's fees reasonable.

Plaintiffs' motion for attorney's fees is granted (Dkt. No. 27). Plaintiffs are awarded \$1,828.00 in attorney's fees.

SO ORDERED this the 10th day of February, 2014.

A handwritten signature in black ink that reads "Kristine G. Baker". The signature is written in a cursive style and is positioned above a horizontal line.

Kristine G. Baker
United States District Judge