

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

VIRGIL BURNS

PLAINTIFF

vs.

Civil Case No. 2:08CV00151 HLJ

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Plaintiff has filed a motion for attorney's fees and expenses pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). He seeks compensation for 17.85 hours¹ of work performed by his attorney before the District Court in 2008-2009 at the rate of \$175.00 per hour and 5.10 hours of work by a paralegal at the rate of \$75.00 per hour. He also seeks reimbursement for expenses in the amount of \$15.96. The Commissioner does not object to the number of hours, the hourly rates submitted by Plaintiff or the requested expenses.

The maximum statutory rate of compensation for work performed by an attorney set forth in § 2412(d)(2)(A)(ii) is \$125.00. The increased rates requested by Plaintiff reflect an agreement between Plaintiff's counsel and the Office of the General Counsel of the Social Security Administration (Plaintiff's Exhibit A) to calculate

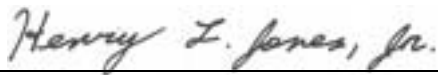
¹ Plaintiff apparently mistakenly entered 16.50 hours in her motion, but Defendant agrees that the correct amount claimed is 17.85 hours.

attorneys' fees on an annualized basis, using the Consumer Price Index for All Urban Consumers (CPI-U).

Normally the court awards \$65.00 per hour for work performed by a paralegal. Plaintiff argues the hourly fee for a paralegal should be \$75.00 per hour based on the prevailing market rate, and has submitted supporting affidavits. The Secretary does not object to this request and the court presumes this increase is also part of the agreement between Plaintiff's counsel and the Office of the General Counsel. Accordingly, the court approves an award of fees in the amount of \$3506.25 and expenses in the amount of \$15.96.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney's fees and expenses in the amount of \$3522.21, pursuant to EAJA. The Commissioner is directed to certify said award and pay Plaintiff's attorney this amount.

SO ORDERED this 24th day of June, 2009.



United States Magistrate Judge