

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

ROSA PICKETT

PLAINTIFF

vs.

Civil Case No. 3:05CV00251 HLJ

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration

DEFENDANT

ORDER

The Eighth Circuit Court of Appeals recently decided in Ratliff v. Astrue, 540 F.3d 800, 801 (8<sup>th</sup> Cir. 2008), that attorney's fees awarded under the Equal Access to Justice Act (EAJA) are awarded to the attorneys for the prevailing parties, rather than to the parties themselves. Pursuant to Ratliff, Defendant's Motion to Alter or Amend Judgment (DE # 22) is hereby denied.

The court previously awarded Plaintiff attorney's fees and expenses in the amount of \$2075.25. Plaintiff's counsel has filed a Supplemental Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act (DE # 24), seeking compensation for an additional amount of \$5,167.80 as compensation for 31.9 attorney hours incurred in responding to Defendant's motion. The court cannot grant counsel's motion, because the affidavit attesting to the amount of time expended by counsel who actually prepared the reply to the motion is not signed or notarized.

Defendant's Motion to Alter or Amend Judgment (DE # 22) and Plaintiff's supplemental motion for attorney's fees (DE # 24) are denied. The court adopts its previous finding that the proper amount of fees and expenses to be awarded in this case is \$2075.25, and finds this amount should be awarded to Plaintiff's counsel. The

Commissioner is directed to certify this award and pay Plaintiff's counsel this amount.

SO ORDERED this 10th day of October, 2008.

*Henry L. Jones, Jr.*

United States Magistrate Judge