

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

ANTHONY T. THOMPSON

PLAINTIFF

V.

NO. 3:08CV00043 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA") (docket entry #16). Defendant has filed a Response (docket entry #17). For the reasons set forth herein, the Motion will be granted.

On March 21, 2008, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying him social security benefits (docket entry #2). On February 27, 2009, the Court entered a Memorandum and Order and a Judgment (docket entries #14 and #15) remanding the case to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

On March 6, 2009, Plaintiff's attorney, Mr. Christopher Aaron Averitt, filed a Motion for Award of Attorney's Fees Pursuant to the EAJA. In this Motion, Mr. Averitt seeks payment for 30.25 hours of work performed by him at the rate of \$164.00 per hour. Defendant does not object to the Motion.

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of attorney's fees under the EAJA, and that the amount requested by Plaintiff's attorney is reasonable.

Accordingly, Plaintiff's attorney shall receive a total award of \$4,961.00.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Award of Attorney's Fees Pursuant to the EAJA (docket entry #16) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. Christopher Aaron Averitt, attorney for Plaintiff, \$4,961.00, which has been awarded as fees pursuant to the EAJA.

DATED this 1st day of June, 2009.


UNITED STATES MAGISTRATE JUDGE