

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

DONALD FENTRESS

PLAINTIFF

v.

CASE NO. 3:09CV00121-BD

**MICHAEL J. ASTRUE, Commissioner,
Social Security Administration**

DEFENDANT

ORDER

Pending is Plaintiff's Motion for an Award of Attorney's Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (docket entry #18). In his motion, Plaintiff requests fees and expenses in the amount of \$3,417.39. The Commissioner does not object to the amount requested (#20). Accordingly, Plaintiff's motion (#18) is GRANTED.

In his motion, Plaintiff states that he has entered into a contract with his counsel in which he assigned his rights to any EAJA fees and costs and requests that any EAJA fees be "payable to and mailed directly to his counsel." (#18 at p. 1) In *Astrue v. Ratliff*, --- U.S. ----, 130 S.Ct. 2521, 2527, 2010 WL 2346547 (2010), the United States Supreme Court stated, however, that EAJA fees are to be made "payable to litigants." Accordingly, Plaintiff is awarded \$3,417.39 in fees and expenses.

IT IS SO ORDERED this 23rd day of September, 2010.


UNITED STATES MAGISTRATE JUDGE