

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

SCOTTY CARTER

PLAINTIFF

V.

NO. 3:10CV00219-JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion requesting an award of attorney's fees and expenses under the Equal Access to Justice Act ("EAJA").¹ (Docket entry #17). The Commissioner has filed a Response. (Docket entry #19.)

Plaintiff's attorney, Anthony Bartels, requests a total award of \$1,783.77 consisting of: (1) 1.10 hours of attorney work in 2010 at the adjusted hourly rate of \$175.00 (\$192.50); (2) 6.40 hours of attorney work in 2011 at the adjusted hourly rate of \$181.00 (\$1,158.40); (3) 5.55 hours of paralegal work at the hourly rate of \$75.00 (\$416.25); and (4) \$16.62 in expenses for serving Plaintiff's Complaint via certified mail. He also requests that the award be mailed directly to him based on an assignment executed by Plaintiff.

The Commissioner does not object to the requested amount of fees and

¹On January 23, 2012, the Court entered a Memorandum Order and Judgment reversing the Commissioner's decision and remanding this case for further administrative proceedings. (Docket entries #14, #15.)

expenses.

Pursuant to the United States Supreme Court's holding in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), an award of EAJA fees belongs to the prevailing party, not that party's lawyer. Thus, the Commissioner asserts that, as is the usual procedure, the check awarding EAJA fees will be made payable to Plaintiff, but will be mailed to the care of Plaintiff's attorney at the attorney's office. Consistent with that procedure, the Court will award Plaintiff his attorney's fees pursuant to the EAJA.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Award of Attorney's Fees and Expenses Under the EAJA (docket entry #17) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is awarded \$1,783.77 in attorney's fees and expenses under the EAJA.

DATED this 8th day of May, 2012.


UNITED STATES MAGISTRATE JUDGE