

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

**SPENCER KNIGHTEN, JR.**

**PLAINTIFF**

**V.**

**NO. 3:17CV00207-SWW**

**NANCY A. BERRYHILL,  
Acting Commissioner,  
Social Security Administration**

**DEFENDANT**

**ORDER**

Before the Court is a motion [doc.#19] of plaintiff Spencer Knighten, Jr.—the prevailing party in this social security case—for an award of attorney’s fees pursuant to the Equal Access to Justice Act (EAJA) in the amount of \$9,424.00, representing 49.60 hours at an hourly rate of \$190.00. The Commissioner does not object to the hourly rate but does object to the hours plaintiff’s counsel is claiming. She states that an appropriate EAJA award would be no more than \$4,750.00, representing 25 hours at an hourly rate of \$190.00, payable to plaintiff. See *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010) (EAJA fees are payable to plaintiff, not plaintiff’s attorney, and such fees are subject to an offset when the plaintiff has pre-existing debt that plaintiff owes the United States); *McCarty v. Astrue*, No. 4:11-cv-00022, 2012 WL 2571229, at \*3 (E.D. Ark. July 2, 2012) (the usual time claimed in cases involving issues that are not particularly complex or novel is 15 to 20 hours).

After review of the itemization of hours in this case, the Court finds that an award of attorney's fees in the amount of \$6,650.00, representing 35 hours at the hourly rate of \$190.00, is reasonable. *Cf. Curtis v. Colvin*, No. 4:14-cv-00627 (E.D. Ark., March 21, 2016) (this Court in a similar case awarded attorney fees in the unopposed amount of \$7,005.15, representing 7.35 hours at \$186.00 per hour and 30.15 hours at \$187.00 per hour).

IT IS THEREFORE ORDERED that plaintiff's motion [doc.#19] for an award of attorney's fees is granted in the amount of \$6,650.00, payable to plaintiff.

Dated this 3<sup>rd</sup> day of April, 2018.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE