

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

FLORENCE M. CHILDS

PLAINTIFF

vs.

Civil No. 1:10-cv-01062

MICHAEL J. ASTRUE  
Commissioner, Social Security Administration

DEFENDANT

**ORDER**

Pending now before this Court is Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA"). ECF No. 12. This Application was filed on August 18, 2011. *Id.* On August 26, 2011, Defendant responded to this Application. ECF No. 14. In Defendant's response, he claims Plaintiff's Application is barred as untimely. *Id.* Defendant claims Plaintiff had 90 days from the entry of the final judgment in this matter or until August 4, 2011 to file her Application. *Id.* Defendant claims that because her Application was not filed until August 18, 2011, it is barred as untimely. *Id.*

In this Court's Judgment in this matter, Plaintiff was advised to request an EAJA award within 90 days. ECF No. 11. The Judgment was dated May 6, 2011, and 90 days from this date was August 4, 2011. Because Plaintiff did not request EAJA fees by August 4, 2011, her Application is time-barred and is **DENIED**. *See Olson v. Norman*, 830 F.2d 811, 821 (8th Cir. 1987) (holding that the deadline for an EAJA fee application is "a mandatory, jurisdictional condition") (internal citation and quotes omitted). *See also Order, Haynes v. Astrue*, 1:09-cv-01023 (W.D. Ark. Sept. 27, 2010), ECF No. 14.

**ENTERED** this 19<sup>th</sup> day of September, 2011.

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE