

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

LISA DUREN

PLAINTIFF

v.

Civil No. 4:09-cv-04091

MICHAEL J. ASTRUE,  
Commissioner, Social Security Administration

DEFENDANT

**J U D G M E N T**

Plaintiff Lisa Duren appealed the Commissioner's denial of benefits to this court. On October 30, 2009, the court remanded Plaintiff's case to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings. ECF No. 9. On November 30, 2010 the ALJ issued a favorable decision finding Plaintiff entitled to benefits. ECF No. 11-1. Plaintiff now moves for the entry of a final judgment by this court so that Plaintiff can proceed with an Application and Affidavit for attorney's fees pursuant to 28 U.S.C. §2412 of the Equal Access to Justice Act. ECF No. 11.

When a court remands a case pursuant to sentence six and retains jurisdiction pending completion of the administrative proceedings, entry of a final judgment is delayed until after the post-remand agency proceedings have been completed and the agency's results have been filed with the court. *See Shalala v. Schaefer*, 509 U.S. 292, 296, 113 S.Ct. 2625 (1993). As all proceedings on remand have been completed and an administrative decision favorable to Plaintiff has been issued, Plaintiff is entitled to the entry of judgment in her favor.

Accordingly, the favorable decision of the Commissioner is affirmed and Plaintiff's complaint is dismissed.

If Plaintiff wishes to request an award of attorney's fees and cost under the Equal Access to Justice Act, 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment

becomes "not appealable" i.e., 30 days after the 60-day time for appeal has ended. *See Shalala v. Schaefer*, 509 U.S. 292 at 296; 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

**IT IS SO ORDERED** this 13<sup>th</sup> day of September, 2011.

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