

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

ROBIN LYNN RASBERRY

PLAINTIFF

vs.

Civil No. 4:13-cv-04073

CAROLYN COLVIN

DEFENDANT

Commissioner, Social Security Administration

ORDER

Pending now before this Court is Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA"). ECF No. 18.¹ With this Motion, Plaintiff requests an EAJA award of \$6,024.01. *Id.* On October 14, 2014, Defendant responded to this Motion. ECF No. 21. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 9. Pursuant to this authority, the Court issues this Order.

1. Background:

Robin Lynn Raspberry ("Plaintiff") appealed to this Court from the Secretary of the Social Security Administration's ("SSA") denial of her request for disability benefits. ECF No. 1. On August 5, 2014, this Court reversed and remanded Plaintiff's case pursuant to sentence four of 42 U.S.C. § 405(g). ECF Nos. 16,17.

On October 7, 2014, Plaintiff filed the present Motion requesting an award of attorney's fees under the EAJA. ECF No. 18. With this Motion, Plaintiff requests an award of attorney's fees of \$6,024.01 and claims this represents 36.92 hours of attorney time including 1 hour 2012, 32.32 hours in 2013, and 4 hours in 2014 at hourly rates of \$180.44 in 2012, \$182.79 in 2013 and \$186.45 in 2014. *Id.* However in her affidavit counsel states the reasonable value of her work is \$180.45. ECF

¹ The docket numbers for this case are referenced by the designation "ECF. No."

No. 20. On October 14, 2014, Defendant responded to this Motion and stated they had no objections to the EAJA request. ECF No. 21.

2. Discussion

In the present action, Plaintiff's Motion is filled with errors and it is obvious Defendant performed no review of the pleadings. To begin with, the hours listed in the Motion total 37.32, not 36.92 as plead in the affidavit. The Motion contains conflicting hourly rate requests. Finally, the total award requested of \$6,024.01 can not be accurate based on the attorney hours claimed and hourly rate requested.

3. Conclusion:

Based upon the foregoing, Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act (ECF No. 18) is **DENIED** without prejudice to re-file. **Plaintiff must refile any renewed Application for Attorney Fees Under the Equal Access to Justice Act within Twenty-One (21) days of the date of this order.**

ENTERED this 20th day of October 2014.

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