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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STELLA CARTER,

Plaintiff,

No. CIV S-10-1949 GGH (TEMP)

vs.

MICHAEL J. ASTRUE,  
Commissioner of  
Social Security,

ORDER

Defendant.

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Pending before the court is plaintiff’s application for an award of attorney’s fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1). Plaintiff seeks attorney’s fees for 1.8 hours at \$174.64/hour for work done in 2010 and for 18.1 hours at the same rate for work performed in 2011, for a total amount of \$3,475.33. The Commissioner has filed a statement of non-opposition in which the amount requested is not contested. In addition, the Commissioner has no objection to payment of the fees being made directly to plaintiff’s counsel.

The EAJA provides that the prevailing party in a civil action against the United States may apply for an order for attorneys’ fees and expenses within thirty days of final judgment in the action. An applicant for Social Security benefits receiving a remand under sentence four of 42 U.S.C. § 405(g) is a prevailing party, regardless of whether the applicant later

