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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHARISE NICHELLE ALLEN,
Plaintiff,
v.
ANDREW SAUL,¹
Defendant.

Case No. [17-cv-03384-SI](#)

**ORDER GRANTING MOTION FOR
ATTORNEY'S FEES UNDER 42 U.S.C.
§ 406(b)**

Re: Dkt. No. 40

On September 11, 2018, the Court issued an order in this Social Security appeal granting in part and denying in part plaintiff's motion for summary judgment and remanding the matter for further administrative proceedings. Dkt. No. 30. On January 28, 2019, the Court ordered payment of \$13,478.97 in attorney's fees to plaintiff's counsel under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Dkt. No. 39.

On June 22, 2020, plaintiff's counsel filed the instant motion for attorney's fees pursuant to 42 U.S.C. § 406(b). Dkt. No. 40. Plaintiff's counsel mailed a copy of the motion to plaintiff, notifying plaintiff of her right to object to the fee request within 14 days. The Court has received no objection. Defendant Andrew Saul, Commissioner of Social Security, has filed a response taking no position on the reasonableness of the fee request. Dkt. No. 41.

Having reviewed and considered the motion for attorney's fees under 42 U.S.C. § 406(b), and all supporting declarations and documentation and the government's response, it is hereby ORDERED that plaintiff's counsel's request for attorney's fees under 42 U.S.C. § 406(b) is GRANTED. Section 406(b) fees are allowed in the amount of TWENTY-ONE THOUSAND FIVE

¹ Andrew Saul, Commissioner of Social Security, is substituted for his predecessor, Nancy A. Berryhill, pursuant to Federal Rule of Civil Procedure 25(d).

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HUNDRED FIFTY-SEVEN DOLLARS AND TWENTY-FIVE CENTS (\$21,557.25), to be paid out of the amount withheld by the Commissioner from plaintiff's benefits to her counsel DOLLY MARLO TROMPETER.

Out of this gross fee, plaintiff's counsel will refund to plaintiff EAJA fees previously awarded in the amount of \$13,478.97.

Plaintiff's counsel is directed to send a copy of this Order to plaintiff immediately.

IT IS SO ORDERED.

Dated: July 21, 2020



SUSAN ILLSTON
United States District Judge