

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

LUCY C. MCCLEAN,

Plaintiff,

v.

Case No: 5:11-cv-665-Oc-PRL

**COMMISSIONER OF SOCIAL
SECURITY**

Defendant.

ORDER


This matter is before the Court on Plaintiff's motion for attorney's fees. (Doc. 26). Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), Plaintiff requests an award of fees in the amount of \$1,351.92. The attached schedule of hours confirms the attorney time. (Doc. 26-2). The Commissioner has no objection to Plaintiff's motion. (Doc. 27).

Plaintiff asserts that she is the prevailing party in this litigation, that the Commissioner's position in the underlying action was not substantially justified and that her net worth at the time proceeding was filed was less than two million dollars.¹ On April 8, 2014, the Court entered an Order affirming the fully favorable decision of the Commissioner issued subsequent to the remand ordered by this Court. (Doc. 24). The next day, the Clerk entered Judgment. (Doc. 25). On July 7, 2014, Plaintiff filed her motion for attorney's fees. (Doc. 26).

¹ Under the EAJA, a claimant is eligible for an attorney fee award where: (1) the claimant is a prevailing party in a non-tort suit involving the United States; (2) the Government's position was not substantially justified; (3) the claimant filed a timely application for attorney's fees; (4) the claimant had a net worth of less than \$2 million at the time the complaint was filed; and (5) there are no special circumstances which would make the award of fees unjust. 28 U.S.C. § 2412(d).

Pursuant to the provisions of the Equal Access to Justice Act (28 U.S.C. §2412(d)), Plaintiff's motion (Doc. 26) is **GRANTED**. Plaintiff is awarded attorney's fees in the amount of **\$1,351.92**.

DONE and **ORDERED** in Ocala, Florida on July 14, 2014.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties