

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

GABRIELA MARIA LAMADRID,

Plaintiff,

v.

Case No: 6:15-cv-422-Orl-TBS

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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ORDER

Pending before the Court is Plaintiff's Unopposed Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d) (Doc. 22). Plaintiff requests an award of fees **in the amount of \$5,498.98**<sup>1</sup> The motion includes a schedule of the attorney's billable hours to support the application (Doc. 22-2 at 3-4). Defendant has no objection to the requested relief (Doc. 22 at 2).

Plaintiff asserts that she is the prevailing party, that the Commissioner's position in the underlying action was not substantially justified, and that her net worth at the time the proceeding was filed was less than two million dollars<sup>2</sup> (Doc. 22 at 1-2).

On August 1, 2016, the Court entered a final order reversing and remanding this cause back to Defendant for further proceedings pursuant to 42 U.S.C. § 405(g) (Doc.

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<sup>1</sup> Plaintiff's fee amount is calculated at the rate of \$189.62 per hour for work performed in 2015 and 2016 (Doc. 22 at 1).

<sup>2</sup> 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).

20). The Clerk entered judgment the next day (Doc. 21). Plaintiff filed this application for attorney's fees on October 13, 2016 (Doc. 22).

Plaintiff has attached a copy of her assignment of EAJA fees to her counsel (Doc. 22-3). In light of the assignment, Plaintiff requests (and Defendant agrees) that the payment should be made payable to Plaintiff and delivered to her counsel unless she owes a federal debt. If the U.S. Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government will accept Plaintiff's assignment of EAJA fees and pay fees directly to her counsel. Pursuant to the provisions of the EAJA, Plaintiff's motion for attorney's fees (Doc. 22) is **GRANTED**. Plaintiff is awarded attorney's fees in the amount of **\$5,498.98**.

**DONE and ORDERED** in Orlando, Florida on October 18, 2016.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record