

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

MARTHA CANTERBURY,

Plaintiff,

v.

Case No. 8:15-cv-2683-T-AAS

**NANCY BERRYHILL,
Acting Commissioner of Social Security,**

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Amended Motion for Award of Attorney's Fees and Costs/Expenses Pursuant to Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA") (Doc. 27) and the parties' Joint Motion for Relief from Order Under Fed. R. Civ. P. 60 (Doc. 30).

The parties request relief from the Court's May 18, 2017 Order, awarding Plaintiff \$7,751.19 in attorney's fees and costs under the EAJA (Doc. 26). (Docs. 27, 30). The Court's May 18, 2017 Order was based upon Plaintiff's original motion for attorney's fees and costs, filed on May 3, 2017 (Doc. 22). In the original motion, Plaintiff mistakenly requested reimbursement for 36.1 hours of work performed in 2016, instead of 33.8 hours. (*Id.*). After the parties recognized the miscalculation, Plaintiff filed an amended motion, requesting reimbursement for 33.8 hours of work performed in 2016, changing the award to \$7,253.17 in attorney's fees instead of \$7,751.19. (Doc. 27). In addition, a joint motion for relief from the Court's May 18, 2017 Order was filed. (Doc. 30).

Pursuant to Federal Rule of Civil Procedure 60, the court may relieve a party from an order if it is based on a mistake. *See* Fed. R. Civ. P. 60(b)(1). Here, the Court's May 18, 2017 Order was based upon the miscalculation provided in Plaintiff's original motion (Doc. 22). (Doc. 26).

Accordingly, after due consideration, it is **ORDERED**:

(1) Plaintiff's Amended Motion for Award of Attorney's Fees and Costs/Expenses Pursuant to Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. 27) and the parties Joint Motion for Relief from Order Under Fed. R. Civ. P. 60 (Doc. 30) are **GRANTED**. Pursuant to the EAJA, Plaintiff is awarded \$7,253.17 in attorney's fees, \$40.00 incosts, and \$13.91 in expenses. The United States Department of the Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees (Doc. 28, Ex. A) and pay the fees directly to Plaintiff's counsel.

(2) The Court's May 18, 2017 Order (Doc. 26) is **VACATED**.

DONE AND ORDERED in Tampa, Florida, on this 22nd day of June, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge