

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

**CAROLYN SIMPSON,**

**Plaintiff,**

v.

**Case No.: 8:16-cv-1642-T-AAS**

**NANCY A. BERRYHILL, acting  
Commissioner of Social Security,<sup>1</sup>**

**Defendant.**

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**ORDER**

This cause comes before the Court on Plaintiff's Petition for Attorney's Fees. (Doc. 21). Plaintiff asserts that the Commissioner does not oppose the requested relief. (*Id.*, p. 1).

Plaintiff seeks attorney's fees in the amount of \$6,028.29 and reimbursement of filing costs in the amount of \$400.00 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Plaintiff asks for \$1,849.73 in fees for work performed on the case in 2016, calculated at a rate of \$192.68 per hour for 9.6 hours, and \$4,178.56 in fees for work performed on the case in 2017, calculated at a rate of \$195.26 per hour for 21.40 hours.<sup>2</sup>

The Court entered an order reversing and remanding the case under sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings. (Doc. 19). The Clerk entered judgment in favor of Plaintiff that same day. (Doc. 20). As the prevailing party, Plaintiff

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<sup>1</sup> Between the filing of this suit and the entry of this Order, Nancy A. Berryhill replaced Carolyn W. Colvin as acting Commissioner. As such, Ms. Berryhill is "automatically substituted as a party." Fed. R. Civ. P. 25(d).

<sup>2</sup> The undersigned finds the hourly rates requested reasonable in light of Consumer Price Index Inflation Calculator. *See* 28 U.S.C. § 2412(d)(2)(A) ("[A]ttorney fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living . . . justifies a higher fee.").

now requests an award of fees. *See* 28 U.S.C. § 2412(a)(1) & (d)(1)(A). As judgment for Plaintiff was entered on August 31, 2017, and Plaintiff filed her Petition for Attorney’s Fees on November 13, 2017, the Court has jurisdiction to award the requested fees. *See* 28 U.S.C. § 2412(d)(1)(B).<sup>3</sup>

Plaintiff also seeks reimbursement for costs incurred as a result of the filing fee in the amount of \$400.00. Under § 2412(a)(2), the prevailing party in an action brought against the United States may recover costs, including an amount equal to the filing fee prescribed under 28 U.S.C. § 1914, which in turn requires any party instituting a civil action to pay a filing fee of \$350.00. In the Middle District of Florida, the party instituting a civil action must also pay a \$50 administrative fee. *See* U.S. Dist. Court Middle Dist. of Fla., *Forms, Policies & Publications*, [uscourts.gov, http://www.flmd.uscourts.gov/forms/forms\\_policies.htm](http://www.flmd.uscourts.gov/forms/forms_policies.htm) (select “Fee Schedule”).

After issuance of an order awarding EAJA fees, however, 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 and pay the fees directly to Plaintiff’s counsel. (Doc. 21-2).

For the reasons set out in Plaintiff’s motion, therefore, it is hereby **ORDERED**:

1. Plaintiff’s Petition for Attorney Fees (Doc. 21) is **GRANTED**.
2. Plaintiff is awarded **\$6,028.29** in attorney’s fees pursuant to the EAJA.
3. Plaintiff is awarded **\$400.00** in costs pursuant to the EAJA.

**DONE AND ORDERED** in Tampa, Florida, on this 14th day of November, 2017.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge

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<sup>3</sup> The sixty-day appeal period expired on October 31, 2017, at which point the Court’s judgment became final. *See* Fed. R. App. P. 4(a)(1)(b). Therefore, Plaintiff’s deadline for filing a petition for EAJA fees is December 1, 2017. *See* 28 U.S.C. § 2412(d)(1)(B); *see also* Fed. R. Civ. P. 6(a)(1).