

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

JULIE REBECCA ZOBEL,

Plaintiff,

v.

CASE NO. 1:14-cv-00045-MP-GRJ

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

This matter is before the Court on Doc. 16, Plaintiff's Motion for Attorney Fees. Plaintiff moves for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (hereinafter "EAJA"). (Doc. 16). In this case, Plaintiff challenged the decision of the Commissioner of Social Security denying her claim for Social Security Disability benefits. (Doc. 1). On September 17, 2015, this Court entered an Order adopting the Report and Recommendation of the Magistrate Judge which reversed and remanded the Commissioner's decision under sentence four of 42 U.S.C. § 405(g). (Doc. 14). A judgment was entered the same day in favor of Plaintiff. (Doc. 15).

Under 28 U.S.C. § 2412(d)(1)(A), "a court shall award to a prevailing party . . . fees and other expenses . . . incurred by that party in any civil action . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." Section 2412(d)(1)(B) continues, requiring a party seeking an award of fees to submit an application for fees within thirty days of the final judgment which demonstrates 1) the party is a prevailing party, 2) the amount sought, including an itemized statement with the time

and rate at which fees were computed, and 3) allegations that the position of the United States were not justified (based on the record).

Plaintiff's motion and supporting memorandum were timely filed and successfully demonstrate the requirements under § 2412 are met in this case. After consideration, the Court concludes that the fee request is appropriate. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. Plaintiff's Motion for Attorney Fees, Doc. 16, is GRANTED. Plaintiff is awarded \$3,914.71 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), subject to any offsetting debt owed by Plaintiff to the United States.
2. Plaintiff is entitled to be reimbursed \$400 for the filing fee.

DONE AND ORDERED this 4th day of November, 2015

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge