

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KENNETH RAINWATER,

Plaintiff,

v.

**CAROLYN W. COLVIN, *Commissioner
of Social Security Administration,***

Defendant.

CIVIL ACTION NO. 5:12-CV-337 (MTT)

ORDER

Before the Court is the Plaintiff's motion for attorney's fees (Doc. 17) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following the remand of his claim for Social Security benefits. The Act provides that a prevailing plaintiff may recover attorney's fees incurred in a suit against the United States unless the position of the United States was "substantially justified or...special circumstances make an award unjust." 28 U.S.C. § 2412(d)(1)(A). On September 4, 2013, the Court adopted the Magistrate Judge's recommendation reversing and remanding this action to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 15). A claimant who obtains a court order remanding his Social Security claim to the Commissioner for further proceedings is a prevailing party for purposes of the Equal Access to Justice Act. *Shalala v. Schaefer*, 509 U.S. 292, 300-01 (1993).

The Plaintiff, as the prevailing party, now requests attorney's fees in the amount of \$8,335.14 for 45.15 hours of work. The United States does not contend that its

position was “substantially justified” nor does it object to the Plaintiff’s request. (Doc. 18). Accordingly, the Plaintiff’s motion for attorney’s fees is **GRANTED**.

SO ORDERED, this 6th day of December, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT