

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**JENNIFER L. GAILEY,**

Plaintiff,

v.

**CAROLYN W. COLVIN, Commissioner,**

Defendant.

Civil Action 7:10-CV-22 (HL)

**ORDER**

This case is before the Court on Plaintiff's Motion for Attorney's Fees under the Social Security Act (Doc. 20).

Plaintiff seeks an attorney's fee award under 42 U.S.C. § 406(b)(1) in the amount of \$12,232.25. Plaintiff's counsel acknowledges that he will be required to refund to Plaintiff previously awarded fees under the Equal Access to Justice Act ("EAJA") in the amount of \$6,449.10. The Commissioner does not object to the § 406(b)(1) fee request subject to the EAJA refund. Accordingly, the Motion for Attorney's Fees is granted. Plaintiff shall receive \$12,232.25 in attorney's fees to be paid out of Plaintiff's past-due benefits award. Assuming Plaintiff paid the previously awarded EAJA fees in the amount of \$6,449.10 to her counsel, counsel is directed to refund that amount to Plaintiff.

**SO ORDERED**, this the 27<sup>th</sup> day of September, 2013.

**s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

mbh