

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

CECELIA WILKERSON, as Mother and	)	
Next Friend of B.B., a Minor child,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 114-100
	)	
NANCY A. BERRYHILL, Acting	)	
Commissioner of Social Security	)	
Administration, <sup>1</sup>	)	
	)	
Defendant.	)	

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**ORDER**

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On June 18, 2015, the Court granted a reversal and remand pursuant to sentence four of 42 U.S.C. § 405(g) and subsequently awarded Plaintiff \$5,042.39 in attorney’s fees and expenses under the Equal Access to Justice Act (“EAJA”). (Doc. nos. 17, 21.) Because the Administrative Law Judge awarded Plaintiff past due benefits on remand, Plaintiff now moves for attorney’s fees pursuant to 42 U.S.C. § 406(b) in the amount of \$5,501.69, which represents twenty-five percent of the past due benefits awarded to Plaintiff minus the previously-awarded EAJA fees and expenses. See Jackson v. Comm’r of Soc. Sec., 601 F.3d 1268, 1274 (11th Cir. 2010) (allowing for attorney who receives fees under both the EAJA

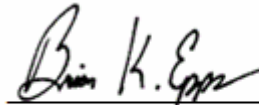
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<sup>1</sup>The Court takes judicial notice that on January 20, 2017, Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration. Pursuant to Fed. R. Civ. P. 25(d), the Court **DIRECTS** the Clerk of Court to substitute Nancy A. Berryhill as Defendant in this case.

and § 406(b) to effectuate required refund of the smaller fee by deducting EAJA award from § 406(b) request); Paltan v. Comm'r of Soc. Sec., 518 F. App'x 673, 674 (11th Cir. 2013). The Acting Commissioner did not file a response to the motion, and it is therefore deemed unopposed. Loc. R. 7.5.

Accordingly, the Court **GRANTS** Plaintiff's motion, (doc. no. 22), and awards attorney's fees under § 406(b) in the amount of \$5,501.69.

SO ORDERED this 12th day of June, 2017, at Augusta, Georgia.



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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA