

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

GARY D. HUBER,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE, Commissioner of)
 Social Security,)
)
 Defendant.)

Case No. 09-cv-1292

ORDER & OPINION

This matter is before the Court on the parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Award [sic]. (Doc. 19). On May 5, 2010, pursuant to a Joint Stipulation for Remand to the Commissioner, the Court entered Judgment in favor of Plaintiff pursuant to the fourth sentence of 42 U.S.C. § 405(g), remanding his claim to the Social Security Administration for further consideration. (Docs. 15-18). On August 17, 2010, the parties filed the instant Stipulation, in which they agree that an award of \$4,062.50 in attorney's fees to Plaintiff under the Equal Access to Justice Act is proper.¹ They note that such an award "will fully satisfy any and all of Plaintiff's claims for fees, costs, and

¹ The Court notes that, if this were a petition for EAJA fees by Plaintiff alone, it would clearly be untimely, as such a petition must be filed within 30 days after the expiration of the 60-day period allowed for an appeal from the final judgment in the action. *Richmond v. Chater*, 94 F.3d 263, 266 (7th Cir. 1996) (citing 28 U.S.C. § 2412(d)(1)(B), (2)(G); *Shalala v. Schaefer*, 509 U.S. 292, 302 (1993)). However, as this is a joint stipulation, and neither party objects to its untimeliness, the Court will overlook it.

expenses under 28 U.S.C. § 2412, that may be payable for counsel's work before the Court in this case." (Doc. 19 at 1).

IT IS THEREFORE ORDERED that the parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Award is GRANTED. (Doc. 19). The Clerk is DIRECTED to prepare an amended judgment awarding Plaintiff \$4,062.50 in attorney's fees.

Entered this 23rd day of August, 2010.

s/ Joe B. McDade

//JOE BILLY McDADE
United States Senior District Judge