

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

GARY BERRY,)	
)	
Plaintiff,)	
)	
v.)	No. 09-3106
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

OPINION

CHARLES H. EVANS, U.S. Magistrate Judge:

This cause is before the Court on Plaintiff Gary Berry’s and Defendant Michael J. Astrue’s Stipulation to Award Attorney Fees Under the Equal Access to Justice Act (Stipulation) (d/e 20). The Court previously remanded this matter on stipulation of the parties to the Social Security Administration for a re-hearing pursuant to Sentence 4 of 42 U.S.C. § 405(g). Opinion of January 14, 2010 (d/e 16). Plaintiff then filed his Attorney’s Affidavit and Memorandum in Support of Motion for EAJA Fees (d/e 17) and Brief in Support of Plaintiff (d/e 18).

The parties agree that Plaintiff is entitled to an award of attorney’s

fees in the amount of \$3,115.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Pursuant to a fee agreement between Plaintiff and his counsel, Peter C. Drummond, the parties further agree that Plaintiff has assigned his right to the fee award to Drummond, and that any such award should be paid directly to Drummond.

THEREFORE, the Court accepts and adopts the parties' Stipulation to Award Attorney Fees Under the Equal Access to Justice Act (d/e 20). The Court hereby awards EAJA fees in the amount of \$3,115.00 in favor of Plaintiff Gary Berry and against Defendant Michael J. Astrue, Commissioner of Social Security Administration. In accordance with the Stipulation, the sum of \$3,115.00 is payable directly to attorney Peter C. Drummond as Plaintiff's assignee. Plaintiff's Attorney's Affidavit and Memorandum in Support of Motion for EAJA Fees (d/e 17) is DENIED as MOOT.

ENTER: March 2, 2010.

FOR THE COURT:

s/ Charles H. Evans
CHARLES H. EVANS
United States Magistrate Judge