

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JUSTIN VIRDEN,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF  
SOCIAL SECURITY,**

**Defendant.**

**No. 11-CV-0189-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Pending before the Court is plaintiff's December 13, 2011 motion for attorney fees under the Equal Access to Justice Act (Doc. 32). Specifically, plaintiff moves the Court to grant fees and costs in the amount of \$9,055.30. As of this date, defendant has not responded to the motion.<sup>1</sup> Thus, the Court considers the failure to respond as an admission of the merits of the motion. Thus, the Court **GRANTS** the motion. The Court **AWARDS** plaintiff fees in the amount of \$9,055.30 in fees and costs.

**IT IS SO ORDERED.**

Signed this 18th day of January, 2012.

  
David R. Herndon  
2012.01.18  
10:04:21 -06'00'

**Chief Judge  
United States District Court**

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<sup>1</sup>“Failure to file a timely response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion.” Local Rule 7.1(c)(1).