

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

**LARRY G. LITTLEPAGE,**

**Plaintiff,**

**vs.**

**COMMISSIONER of SOCIAL SECURITY,**

**Defendant.**

**Case No. 12-cv-1215-DRH-CJP**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

Before the Court is plaintiff's application for attorney fees under the Equal Access to Justice Act (EAJA) (Doc. 29). Plaintiff alleges that the position of defendant has not been substantially justified in that defendant improperly denied relief in the final administrative appeal, necessitating the filing of this action and preparation of the brief in support of plaintiff's position, when there could have been no reasonable expectation that defendant could ultimately prevail.

Plaintiff seeks compensation for 25.1 hours of work at \$170.00 per hour for a total of \$4,267.00. Defendant has not responded to plaintiff's motion. Pursuant to Local Rule 7.1(c), the Court deems defendant's failure to respond as an admission of the merits of plaintiff's motion. *See* SDIL-LR 7.1(c). The Court finds the amount plaintiff seeks is reasonable. Accordingly, plaintiff's motion is

**GRANTED** (Doc. 29). Thus, the Court awards fees to plaintiff in the amount of \$4,267.00.<sup>1</sup>

**IT IS SO ORDERED.**

Signed this 5th day of December, 2013.

  
Digitally signed by  
David R. Herndon  
Date: 2013.12.05  
15:28:33 -06'00'



**Chief Judge**  
**United States District Court**

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<sup>1</sup> The Court notes that plaintiff has attached an assignment of EAJA fees to his attorney, Richard D. Murray, to his application for fees (Doc. 29-4).