

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

JEFFREY G.,

Plaintiff,

v.

KILOLO KIJAKAZI Acting Commissioner of  
Social Security Administration,

Defendant.

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No. 2:20-cv-00583-MJD-JRS

**ORDER ON PETITION FOR ATTORNEY FEES UNDER THE EQUAL ACCESS TO  
JUSTICE ACT**

This matter is before the Court<sup>1</sup> on Plaintiff's Petition for Attorney Fees Under the Equal Access to Justice Act filed by attorney Adriana M. de la Torre. [Dkt. 28.] Unfortunately, Ms. de la Torre has committed an error that requires correction before the Court can rule on Plaintiff's Petition for Attorney Fees on the merits. In the motion, Ms. de la Torre requested fees at 2021 rates for work performed in 2020.<sup>2</sup> This runs afoul of the Seventh Circuit's instruction that "Courts should generally award the inflation-adjusted rate according to the CPI, using the date on which the legal services were performed." *Sprinkle v. Colvin*, 777 F.3d 421, 428 (7th Cir. 2015).

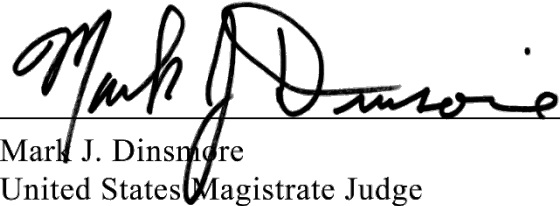
<sup>1</sup> On December 29, 2020, the parties filed a joint consent to the jurisdiction of the assigned magistrate judge. [Dkt. 9.] On December 30, 2020, Judge Sweeney referred the matter to Judge Pryor, who was the assigned magistrate judge at that time. [Dkt. 10.] On December 15, 2022, this matter was reassigned from Magistrate Judge Pryor to the undersigned. [Dkt. 31.] Pursuant to the parties' consent and the order referring the case to the assigned magistrate judge, the parties' consent to the undersigned became effective thirty days after the date of reassignment if no objection was filed. [Dkts. 9 & 10.] More than thirty days have passed since the reassignment, and no objection has been filed.

<sup>2</sup> Ms. de la Torre also used the 2021 hourly rate for work performed in 2022, but that is permissible because it does not result in overpayment for those hours.

Accordingly, **within seven days of the date of this Order**, Ms. de la Torre shall file a supplemental brief setting out the appropriate calculation for the work she performed in 2020 and adjusting the total requested award of attorney fees to reflect the appropriate calculation.

SO ORDERED.

Dated: 19 JAN 2023



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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

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