

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

RONNIE D. KELLY,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

No. C10-2075

**ORDER ON MOTION FOR
ATTORNEY FEES**

This matter comes before the Court on the Amended Plaintiff's Attorney's Petition for Attorney Fees Under 42 U.S.C. § 406(b)(1) (docket number 22) filed by the Plaintiff on August 28, 2012; and the Response (docket number 23) filed by the Defendant on August 29, 2012. Plaintiff's counsel asks that he be awarded attorney fees in the amount of \$19,341, pursuant to 42 U.S.C. section 406(b). Plaintiff's counsel acknowledges that if he is awarded section 406(b) fees, then he is required to refund the fees previously ordered under the Equal Access to Justice Act. In his response, the Defendant states that he "does not object to the fee sought by plaintiff's attorney as unreasonable." *See* Defendant's Response (docket number 23) at 1. Accordingly, the Court finds the request should be granted.

ORDER

IT IS THEREFORE ORDERED that the Amended Petition for Attorney Fees (docket number 22) filed by the Plaintiff on August 28, 2012 is hereby **GRANTED**. Attorney Hugh M. Field shall be paid attorney fees in the amount of Nineteen Thousand Three Hundred Forty-One Dollars (\$19,341) pursuant to 42 U.S.C. section 406(b).

Furthermore, Mr. Field shall refund to the Plaintiff the sum of Five Thousand Dollars (\$5,000), previously paid under the Equal Access to Justice Act.

DATED this 30th day of August, 2012.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA