

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**GLORIA ANDERSON
O/B/O K.C.**

CIVIL ACTION

VERSUS

NO. 14-1831

**CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

SECTION "C" (5)

ORDER

Before the Court is plaintiff's unopposed motion for attorneys' fees pursuant to the Equal Access to Justice Act ("EAJA"). *See* Rec. Doc. 23; 28 U.S.C. § 2412. Plaintiff has provided a detailed activity log reflecting a total of 37.90 hours worked and seeks to recover at an hourly rate of \$175.00. *See* Rec. Doc. 23-2.

The EAJA provides that a court shall award attorneys' fees and costs to a party prevailing in a civil action against the United States unless the court has made a finding that the position of the United States was substantially justified or that there are special circumstances that make an award unjust. *See* 28 U.S.C. § 2412(d)(1)(A). Plaintiff is a prevailing party under 28 U.S.C. § 2412(d)(1)(A). *See Breaux v. U.S.D.H.H.S.*, 20 F.3d 1324 (5th Cir. 1994). Neither the Court-adopted Report and Recommendation nor judgment in favor of plaintiff found that the position of the United States in this case was substantially justified. *See* Rec. Docs. 20–22. The Court is unaware of any special circumstances making an award of attorneys' fees in this case unjust.

The Court finds that the plaintiff has presented an adequate description of hours worked. Furthermore and following recent decisions within this District Court that have approved upward adjustments from the statutory rate of \$125, the Court finds that the requested hourly rate of \$175 is appropriate in this district. *See e.g., Joiner v. Colvin*, Civ. A. No. 14-1315 (E.D.La. Oct. 23,

2015) (J. Morgan) (approving \$175 rate), *J.M. v. S.S.A.*, Civ. A. No. 14-079 (E.D.La. Oct. 21, 2015) (J. Milazzo) (same), and *Hallaron v. Colvin*, Civ. A. No. 12-2051 (E.D.La. Jul. 1, 2015) (J. Vance) (same). As such, the Court approves of an EAJA award of \$6,632.50 (37.90 hours multiplied by \$175).

The Court notes that the award is payable to plaintiff and not plaintiff's attorney. *See Joiner*, Civ. A. No. 14-1315.

Accordingly,

IT IS ORDERED that plaintiff's motion is GRANTED and defendant is hereby ordered to pay attorneys' fees to plaintiff Gloria Anderson o/b/o K.C. in the amount of \$6,632.50 (37.90 hours at \$175 per hour).

New Orleans, Louisiana, this 16th day of December, 2015.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE