

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EMMIT JAMES, JR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Case No. 18-11911

Honorable Nancy G. Edmunds

**ORDER GRANTING PETITION FOR ATTORNEY FEES [24]**

Pending before the Court is Petitioner's motion for an award of attorney's fees. (ECF No. 24.) Petitioner successfully represented Plaintiff in this social security appeal and asks the Court to enter an order awarding to her attorney's fees pursuant to 42 U.S.C. § 406(b)(1). Petitioner seeks reasonable and necessary attorney's fees in the amount of \$7,628.15. The Commissioner filed a response indicating it has no objection to awarding Petitioner a reasonable attorney fee pursuant to 42 U.S.C. § 406(b) so long as the total compensation does not exceed \$7,628.15. In other words, the Commissioner approves of the requested fee award so long as Petitioner refunds the previously paid EAJA fee to Plaintiff. To this end, Petitioner states in her motion the previously paid EAJA fee will be refunded to Plaintiff if the Court grants this motion for attorney's fees. Having considered the record in this matter and being fully advised in the premises, the Court finds that Petitioner's motion should be **GRANTED**. It is hereby **ORDERED** that pursuant to 42 U.S.C § 406(b) Petitioner is awarded reasonable and necessary attorney's fees in the amount of \$7,628.15.

**SO ORDERED.**

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: October 22, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 22, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager