

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORNELL ELMS,

Plaintiff

Civil Action No. 16-10180

v.

U.S. District Judge
HON. R. STEVEN WHALEN
U.S. Magistrate Judge

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

Before the Court is Plaintiff's second motion for attorney fees under the Equal Access to Justice Act ("EAJA") [Doc. #37], filed on March 21, 2019. The motion will be DENIED for two reasons.

First, it is untimely. Under 28 U.S.C. sec. 2412(d)(1)(B) and (d)(2)(G), an application for fees must be submitted within 30 days of the entry of judgment. Judgment was entered on September 18, 2017.

Secondly, the Court has, by separate Opinion and Order, already granted Plaintiff's first motion for EAJA fees. The present motion is therefore moot.

Accordingly, Plaintiff's motion [Doc. #37] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 9, 2019

CERTIFICATE OF SERVICE

I hereby certify on April 9, 2019 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on April 9, 2019.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen