

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CLARA HAMPTON

PLAINTIFF

V.

NO. 1:17CV00004-JMV

**CAROLYN W. COLVIN,
COMMISSIONER, UNITED STATES
SOCIAL SECURITY ADMINISTRATION**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court is Plaintiff's motion [20] for attorney fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [19] dated June 22, 2017, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$6,273.47, which represents 3.3 hours of work in 2016 at a rate of \$195.37/hour and 27.5 hours of work in 2017 at a rate of \$197.50/hour, along with costs in the amount of \$400.00, on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified."

The Commissioner objects to the requested award on the sole ground that Plaintiff used the incorrect consumer price index (CPI) table to calculate the adjusted statutory hourly rate under the EAJA. In his reply brief [23] Plaintiff's counsel agrees the correct CPI table for calculation of the adjusted hourly rate for attorney fees in this District is the South Urban CPI table and that the appropriate hourly rate for work performed in 2016 is \$190.86, and \$193.92 for 2017.

The Court agrees with the adjusted hourly rates agreed upon by the parties and, accordingly, finds an award of \$5,962.64 in fees is reasonable and appropriate and that no special circumstance would make the requested award unjust.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to Plaintiff a total of \$5,962.64 in attorney fees and \$400.00 in costs for the benefit of counsel for Plaintiff.

This 4th day of October, 2017.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE