

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

MARION JUNE DURHAM

PLAINTIFF

V.

NO. 1:17CV00018-JMV

**NANCY BERRYHILL,
ACTING COMMISSIONER
OF SOCIAL SECURITY**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the court are Plaintiff's motion [19] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [20]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [17] dated December 5, 2017, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$6,058.47 for 31.25 hours of attorney time before this court and reimbursement for the \$400.00 filing fee on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." The Acting Commissioner indicates she has no objection to Plaintiff's motion but, nevertheless, points out that any award should be made payable to Plaintiff, and the filing fee should be delineated as costs.

The court, having thoroughly considered the motion, the response, and the applicable law, finds the requested award is reasonable, and no special circumstance would make the award unjust. The court further finds the filing fee should be reimbursed as costs, and the total award should be made payable directly to Plaintiff.

THEREFORE, IT IS ORDERED:

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$6,458.47 in attorney fees and costs for the benefit of counsel for Plaintiff.

This 28th day of February, 2018.

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