

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

BETTY MOODY

PLAINTIFF

V.

NO. 3:15CV0041-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON MOTION FOR ATTORNEY'S FEES

Before the Court is Plaintiff's Petition for Attorney Fees [23] filed 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 Judgment [21] dated February 5, 2016, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks an award of fees made payable to her counsel in the amount of \$5,442.50, representing 31.1 hours of Plaintiff's attorney's time at a rate of \$175.00 per hour, and an award of a mileage expense of \$48.60 made payable to her counsel, on the grounds that she was the prevailing party, and the Commissioner's position was not "substantially justified."

The Commissioner only objects to the fee request to the extent that Plaintiff seeks an award for attorney time spent on two motions for extensions of time, which amount to 0.6 of an hour or \$105.00. Moreover, the Commissioner points out that the Court must direct that any award be made payable to Plaintiff, not counsel.

Because Plaintiff has failed to offer any reply to the Commissioner's response, the Court finds that 0.6 of an hour of the time itemized by Plaintiff's counsel was excessive, and only 30.5 hours was reasonable. Accordingly, an appropriate EAJA award is \$5,337.50 in attorney's fees

and \$48.60 in expenses. Additionally, the Court finds it is appropriate to direct that payment be made to the client pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528-29 (2010).

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to the Plaintiff a total of \$5,386.10 in attorney's fees and expenses for the benefit of counsel for Plaintiff.

This, 22nd day of March, 2016.

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