

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

**DEBBIE ANN SMITH**

**PLAINTIFF**

**V.**

**NO. 3:17CV0049-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ON PETITION FOR ATTORNEY'S FEES**

Before the court is Plaintiff's motion [20] for attorney's fees 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 January 19, 2018, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$5,725.80 for 30 hours of attorney time before this court at a rate of \$190.86 per hour on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." In her response, Defendant states she does not object to the fee request but, nevertheless, asserts the award should be made payable to Plaintiff and sent to Plaintiff's counsel.

The court, having thoroughly considered the fee request, the record, and the applicable law, finds that the fee request is reasonable and that no special circumstance would make the award unjust.

**THEREFORE, IT IS ORDERED:**

That the Commissioner shall promptly pay to Plaintiff a total of \$5,725.80 in attorney's fees for the benefit of counsel for Plaintiff.

This 10<sup>th</sup> day of April, 2018.

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