

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

ANTONIO EUGENE BURTON

PLAINTIFF

V.

NO. 4:13CV00054-JMV

**CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is the claimant's motion [18] for payment of attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [17] dated September 10, 2013, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified."

By the motion and attached exhibits, the claimant requests an award of \$6,027.10 in attorney fees, representing 32.35 hours of attorney time at a rate of \$186.31. The Commissioner objects to an award based on the requested hourly rate, arguing it exceeds "the usual \$175.00 hourly rate that the Commissioner submits is a reasonable hourly rate for attorney work performed in 2013 in this district."

Because a survey of social security cases in this district reveals that this court has awarded fees based on rates near and above that requested herein for comparable work performed in the years 2012 and 2013, the Commissioner's objection is overruled. And, because the court is not otherwise convinced that the fee requested is unreasonable, the court finds the instant motion should be granted.

THEREFORE, IT IS ORDERED that the claimant's motion for payment of attorney fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant \$6,027.10 for the benefit of his attorney.

THIS, the 10th day of December, 2013.

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