

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MARILYN BODINE,)
)
Plaintiff,)
)
vs.) Case No. 2:14 CV 60 CDP
)
CAROLYN COLVIN,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on plaintiff’s motion to substitute Marilyn Bodine’s husband Jack Bodine as the plaintiff in this case. Marilyn Bodine died on December 10, 2014. Defendant does not object to the motion for substitution, so it will be granted. Plaintiff seeks attorney’s fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$2,637.00 and reimbursement of the filing fee in the amount of \$400.00. Defendant does not object to the request.

On April 23, 2015, I reversed the decision of the Commissioner and remanded the case to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further consideration. Because plaintiff prevailed and is not otherwise precluded from recovering attorney’s fees, I find plaintiff¹ is entitled to an award in

¹The fees are payable to plaintiff, not plaintiff’s attorney. See Astrue v. Ratliff, 130 S. Ct. 2521, 2524 (2010).

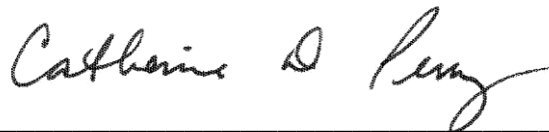
the amount requested. I also find that plaintiff is entitled to reimbursement of the filing fee from the Judgment Fund.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to substitute party [#20] is granted, and Jack Bodine is substituted for Marilyn Bodine as plaintiff in this action.

IT IS FURTHER ORDERED that plaintiff's motion for attorney's fees [#23] is granted, and defendant shall pay plaintiff \$2,637.00 in attorney's fees and shall mail plaintiff's award to plaintiff's attorney at 236 N. Sixth Street, Quincy, IL 62301.

IT IS FURTHER ORDERED that defendant shall reimburse plaintiff's filing fee from the Judgment Fund in the amount of \$400.00, and said award shall be made payable to plaintiff.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 4th day of June, 2015.