

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM LUCAS,)
)
 Plaintiff,)
)
 v.) No. 4:16 CV 970 JMB
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of Social Security,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Defendant has filed a response to plaintiff's motion. Plaintiff seeks \$4,118.89 in fees, based upon 21.25 hours of work at an hourly rate of \$193.83. Defendant agrees with this calculation.

Under the EAJA, in civil actions brought by or against the United States, a court shall award attorney's fees to a prevailing party unless the position of the United States was substantially justified. 28 U.S.C. § 2412(d)(1)(A). In Social Security cases, a sentence four remand of the Commissioner's denial of benefits is sufficient to confer prevailing party status. Shalala v. Shaefer, 509 U.S. 292, 302 (1993).

The Court entered judgment reversing the Commissioner's decision and remanding the matter to the Administrative Law Judge on July 18, 2017, thereby making plaintiff the prevailing party. Additionally, plaintiff submitted a detailed accounting of the time spent on this case, and the reasons for the fees incurred. [Doc. # 28-1]. The Court finds that the number of hours worked, the hourly rate, and the total fee payable in this case are reasonable, and in accordance

with the EAJA. The Court also notes that plaintiff executed a fee agreement assigning any EAJA fee to his attorney. [Doc. # 28-3].

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for attorney's fees [Doc. # 27] is **GRANTED**, in the amount of \$4,118.89.

IT IS FURTHER ORDERED that said award shall be paid by the Social Security Administration to plaintiff's attorney, based on the assignment, subject to any pre-existing debt that the litigant may owe to the United States.

/s/ *John M. Bodenhausen*
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of October, 2017.