

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARL E. JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:21-CV-1501 SRW
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On August 30, 2022, Plaintiff Carl E. Johnson filed a Petition to Award Attorney’s Fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. ECF No. 23. In the motion, Plaintiff requests he be awarded **\$4,561.25** for fees, representing a total of 20.5 hours of attorney work at the hourly rate of \$222.50. On September 8, 2022, the Commissioner filed a response indicating, “Defendant has no objection to Plaintiff’s request for attorney fees under the EAJA in the amount of **\$4,651.25.**” ECF No. 25. No reply has been filed.

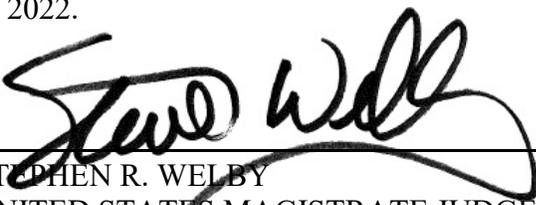
The Court has an independent duty to review the reasonableness of an EAJA award. *See* 28 U.S.C. § 2412(d)(2)(A) (requiring the Court to find that attorney’s fees in excess of \$125.00 per hour are justified by an increase in the cost of living or a special factor such as the limited availability of qualified attorneys). The Commissioner’s response agrees to a fee amount higher than Plaintiff requested. Plaintiff has not filed a reply to the Commissioner’s response. The Court believes the Commissioner’s response agreeing to a higher amount is a typographical error. However, the Court will direct the Commissioner to file a statement as to whether the higher

amount was a typographical error, or whether the Commissioner does, in fact, consent to the increased fee amount and, if so, include a revised calculation of fees.

Accordingly,

IT IS HEREBY ORDERED that the Commissioner shall file a supplemental response on or before September 26, 2022. The supplement should indicate whether the higher amount was a typographical error, or whether the Commissioner does, in fact, consent to the increased fee amount and, if so, include a revised calculation of fees.

So Ordered this 19th day of September, 2022.



STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE