

FILED  
GREAT FALLS DISTRICT COURT

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PATRICK E. DUFFY, CLERK

BY \_\_\_\_\_  
DEPUTY CLERK**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA****GREAT FALLS DIVISION**

JEFFREY T. MEIER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

No. CV-09-31-GF-SEH

**MEMORANDUM  
AND ORDER**

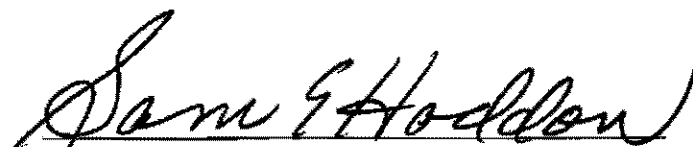
This matter is before the Court on Plaintiff's renewed motion for an award of fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), or in the alternative, for an award of contract based fees and costs under the Social Security Act, 42 U.S.C. § 406(b).

No less than 6 separate rulings were issued denying benefits before the Ninth Circuit Court of Appeals ordered benefits be paid. The position of the government in opposing the petition for benefits was substantially justified. 28 U.S.C. § 2412(d); Pierce v. Underwood, 487 U.S. 552, 563-64 (1988).

**ORDER**

1. The Motion for EAJA Fees and Costs<sup>1</sup> is DENIED.
2. The alternative Motion for Fees and Costs under § 406(b)<sup>2</sup> is GRANTED. Counsel has provided evidence of the fee agreement with Plaintiff and of past due benefits awarded. Fees of \$14,856.55 and costs of \$805.00 are approved.

DATED this 17<sup>th</sup> day of July, 2011.

  
SAM E. HADDON  
United States District Judge

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<sup>1</sup> Document No. 35-1

<sup>2</sup> Document No. 35-2