

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHERYL BATES,)
)
 Plaintiff,)
)
 v.)
)
 SOCIAL SECURITY ADMINISTRATION,)
 Michael J. Astrue, Commissioner Of Social)
 Security Administration,)
)
 Defendant.)
 _____)

4:08CV3118

MEMORANDUM AND ORDER ON
PLAINTIFF’S APPLICATION FOR
ATTORNEY FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

Now before me is Plaintiff Cheryl Bates’ application for attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (See filing 33.) The plaintiff requests a fee award in the amount of \$3832. (See, e.g., filing 33 at p. 4). The “[d]efendant does not contest the award of attorney fees under the EAJA, 28 U.S.C. § 2412, in the total amount of \$3,832, which represents 23.95 hours of attorney time at \$160.00 per hour.” (Filing 36)

The EAJA authorizes an award of “fees and other expenses” to a “prevailing party” in a case against the United States, “unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A). I find that the plaintiff is a “prevailing party” within the meaning of the EAJA; that the defendant’s position was not “substantially justified”; that there are no special circumstances that make an award unjust; that the plaintiff’s counsel’s devotion of 23.95 hours of work to this case and an hourly rate of \$160.00 was reasonable.

IT IS ORDERED that the plaintiff's application for attorney fees under the Equal Access to Justice Act, filing 33, is granted, and the plaintiff is awarded attorney fees in the amount of \$3832.00.

Dated August 26, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge