

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BONNIE J. WILTSHIRE,)
)
Plaintiff,)
)
vs.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

Case No. 4:09 CV 3067

**ORDER
AUTHORIZING THE AWARD
OF ATTORNEY'S FEES
PURSUANT TO 42 U.S.C. 406(b)**

THIS MATTER is before the Court on the Plaintiff's Motion for Authorization for Award of Attorney's Fees Pursuant to 42 U.S.C. § 406(b). Filing No. 37. The court finds that the requested authorization should be granted.

IT IS ORDERED:

1. That the Plaintiff's Motion for Authorization for Award of Attorney's Fees Pursuant to 42 U.S.C. § 406(b), Filing No. 37, is hereby granted.

2. The Plaintiff's attorney is awarded attorney fees in the amount of \$8,998.25 pursuant to 42 U.S.C. 406(b). Defendant is therefore ordered to pay to Stephen Speicher, Attorney at Law, from the Plaintiff's past due benefits the amount of \$8,998.25 and to release forthwith to the Plaintiff all withheld funds remaining after such payment.

3. Plaintiff has also requested an award under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) , Filing #33. In Filing #36 Defendant has agreed that \$7,500 is an appropriate award. The Court finds this agreement to be reasonable, and such award is hereby made.

4. Because the fee awarded under 42 U.S.C. 406(b) is larger than the agreed EAJA award

and is to be paid directly to Plaintiff's Counsel, Defendant shall pay the EAJA award of \$7,500 directly to the Plaintiff.

5. Plaintiff's previous motion, Filing No. 33, is granted as set forth herein..

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SIGNED AND DATED this 2nd day of February, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge