IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

GARY L. TEMPLE,

Plaintiff,

4:12CV3038

VS.

CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration:

Defendant.

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for attorney fees pursuant to 28 U.S.C. § 2412. Filing No. 23. Plaintiff is the prevailing party in this social security disability case, and the Court previously entered judgment in her favor. Filing Nos. 21 and 22. Plaintiff requests fees in the amount of \$4,548.62. This amount represents 21.1 hours of attorney work, at approximately \$185.00 per hour, and 7.3 hours of work by a legal assistant at \$90.00 per hour. The Defendant does not object to this amount, but requests that the EAJA fee be payable to the plaintiff and is subject to any offset for a pre-existing debt that plaintiff might owe to the United States.

The Court has carefully reviewed the billing itemization. Filing No. <u>23-1</u>. The Court finds the requested amount and the hourly fees are reasonable and that the plaintiff is a prevailing party in this case. Accordingly, the Court will grant plaintiff's motions for fees in this case.

THEREFORE, IT IS ORDERED THAT plaintiff's motion for attorney fees, Filing No. 23, is granted in the amount of \$4,548.62.

IT IS FURTHER ORDERED THAT the attorney fee shall be paid directly to the plaintiff and is subject to any offset for a pre-existing debt that plaintiff might owe to the United States.

Dated this 5th day of September, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge