IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN CARTER ROSEN,	)	**CASE NO. 8:07CV173**
	)	
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

This matter is before the Court on the Motion for Attorney Fees Under 42 U.S.C. §
406(b) (Filing No. 32) filed by the Plaintiff, John Carter Rosen. The Motion for Attorney's
Fees is supported by Plaintiff's brief (Filing No. 34) and an Index of Evidence which
includes an itemization of services submitted by Mary P. Clarkson, Plaintiff's attorney, a
copy of a retainer agreement, a copy of the Social Security Administration's Notice of
Award, dated September 22, 2008, and declaration signed by Plaintiff's guardian (Filing No.
33-2). The Court also notes the Response submitted by the Defendant, Michael J. Astrue,
Commissioner of Social Security (Filing No. 35).

Subsequently, the Plaintiff's attorney filed a Motion for Attorney Fees in the amount
of $1,604.24. That is the same amount withheld by the Defendant - 25% of the past due
Title II DAC benefits that were awarded to the Plaintiff in the September 22, 2008, Notice
of Award. The Defendant indicated in his response that he does not object to the Plaintiff's
request for attorney fees under 42 U.S.C. § 406(b).

After reviewing the record, Plaintiff's brief, Defendant's response, supporting
Affidavits, and applicable law, the Court finds that an award of attorney fees is appropriate

in the amount of $1,604.24. The Court will order payment of fees, in the amount currently

held by Defendant, to the Plaintiff's attorney. Accordingly,

IT IS ORDERED:

1.   The Plaintiff's Motion for Attorney Fees Under 42 U.S.C. § 406(b) (Filing No. 32) is granted; and

2.   The Defendant shall pay to Plaintiff's counsel an attorney fee in the amount of $1,604.24, the amount Defendant has withheld from Plaintiff's past due Title II DAC benefits, payable to Mary P. Clarkson, Plaintiff's attorney.

DATED this 14th day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge