

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

KELLI MILES,

Plaintiff,

vs.

**MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,**

Defendant.

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8:09CV81

ORDER

On August 25, 2009, the court entered judgment in favor of the plaintiff, reversed the decision of the Commissioner, and remanded this matter for further review by the Appeals Council. Plaintiff has applied for attorney fees in the amount of \$1,874.80 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). (Doc. 20).

The court has reviewed the documentation submitted by the plaintiff in support of the motion and finds the request, as to the hours spent and the hourly fee requested, to be fair and reasonable. In the response filed September 2, 2009 (Doc. 22), defendant advised that there is no objection to a fee award in the total amount of \$1,874.80 and the defendant does not object to payment of the award directly to plaintiff's counsel. Based on these representations, I find the motion for attorney fees should be granted in the amount of \$1,874.80.

Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412,

IT IS ORDERED that plaintiff's Application for Attorneys Fees (Doc. 20), is granted in the amount of \$1,874.80, made payable to Gregory W. Peterson.

DATED September 3, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**