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

DANA ALENE SANTEE,	)
Plaintiff,	) )
<b>V.</b>	)
MICHAEL J. ASTRUE,	)
Commissioner, Social Security Administration,	)
Defendant.	) )

8:13CV99

## MEMORANDUM AND ORDER

This matter is before the Court upon Plaintiff's application for attorney fees under the Equal Access to Justice Act, <u>28 U.S.C. § 2412</u>. (Filing 31.) Plaintiff's application requests an award of \$4,018.80 for 18.8 hours of work performed by her attorney at rates of \$186.95 and \$188.66 per hour,<sup>1</sup> and 6.7 hours of work by a legal assistant at a rate of \$75.00 per hour. Defendant has no objection to Plaintiff's request for attorney fees in the amount requested.

The Court concludes that Plaintiff was the prevailing party in this action; that the position of the Commissioner was not substantially justified; and that Plaintiff's net worth does not exceed two million dollars. The Court finds that fees in the amount of \$4,018.80 is reasonable and warranted in accordance with <u>28 U.S.C. § 2412</u>.

Accordingly,

## **IT IS ORDERED:**

 Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act (<u>filing 31</u>) is granted.

<sup>&</sup>lt;sup>1</sup> These hourly rates are within the statutory maximum of \$125.00, adjusted for inflation since March, 1996.

 By separate document, the Court will enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees in the amount of \$4,018.80, subject to offset to satisfy any preexisting debt that Plaintiff might owe to the United States.

DATED May 2, 2014.

## **BY THE COURT:**

S/ F.A. Gossett United States Magistrate Judge