

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

MELANEY MCDANIEL,

Plaintiff,

v.

Civ. No. 16-226 GJF

NANCY BERRYHILL, *Acting
Commissioner of the Social Security
Administration,*

Defendant.

ORDER GRANTING ATTORNEY FEES

This matter is before the Court on Plaintiff's "Unopposed Application for Attorney Fees Under the Equal Access to Justice Act" ("Motion") [ECF No. 21]. Having considered the record, relevant law, and the stipulations of the parties, **IT IS HEREBY ORDERED:**

1. The Court finds the appropriate hourly rates for fees are \$191.20 for 2016 and \$194.43 for 2017. The Court further finds Plaintiff's attorney is entitled to compensation of \$6,447.73 for 33.60 hours of time (26.35 hours in 2016 at an hourly rate of \$191.20 and 7.25 hours in 2017 at an hourly rate of \$194.43) plus court costs of \$400.00, for a total award of \$6,847.73.

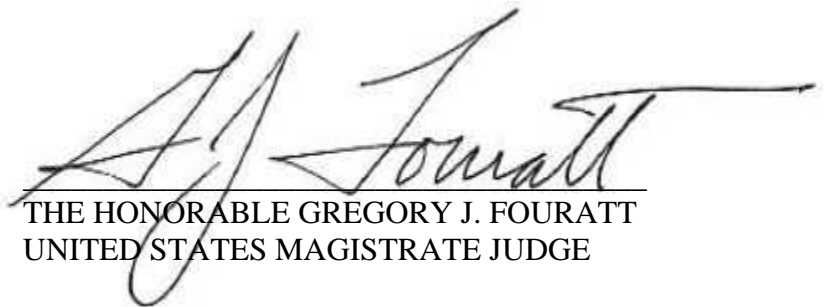
2. Defendant will pay Plaintiff a total of \$6,847.73 in fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 *et seq.* This amount is payable to Plaintiff, not directly to her counsel. Plaintiff's payment will be remitted to the office of her attorney, Michael T. Kelly.

3. Defendant's payment of this amount bars any and all claims Plaintiff may have relating to EAJA fees and expenses in connection with this action.

4. Defendant's payment of this amount is without prejudice to Plaintiff's counsels' right to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

5. This Order will not be used as precedent in any future cases and should not be construed as a concession that the Commissioner's administrative decision denying benefits to Plaintiff was not substantially justified.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE