

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

THERESA PRYN,

Plaintiff,

Case # 16-CV-315-FPG

v.

DECISION AND ORDER

NANCY A. BERRYHILL,<sup>1</sup>  
ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

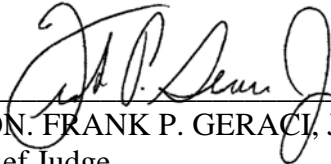
---

On May 1, 2017, the Court granted Plaintiff's Motion for Judgment on the Pleadings and remanded this case to the Commissioner of Social Security for further administrative proceedings. ECF No. 12. On May 2, 2017, the Clerk of Court entered Judgment in Plaintiff's favor, and on July 31, 2017, Plaintiff applied for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). ECF Nos. 13, 14. Pursuant to Local Rule of Civil Procedure 7(b)(2)(B), Defendant had 14 days to respond to Plaintiff's motion. Defendant did not respond to the motion and the time to respond has now expired.

After reviewing Plaintiff's application, the Court finds that it accords with the EAJA and that the hours Plaintiff's counsel expended are reasonable. Accordingly, Plaintiff's Motion for Attorney Fees (ECF No. 14) is GRANTED and counsel is awarded \$6,824.10 in attorney fees and \$400.00 in costs. The Commissioner shall promptly pay this sum to Plaintiff's counsel.

IT IS SO ORDERED.

Dated: August 30, 2017  
Rochester, New York

  
\_\_\_\_\_  
HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court

---

<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security and is therefore substituted for Carolyn W. Colvin as the defendant in this suit pursuant to Federal Rule of Civil Procedure 25(d).