

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
Civil Action No. 2:13-cv-00043-FL

JACQUELINE MEBANE,)
)
 Plaintiff,)
)
 v.)
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of)
 Social Security,)
)
 Defendant.)

ORDER

Plaintiff’s counsel filed a motion for attorney’s fees under 42 U.S.C. 406(b) in the amount of \$10,917.25. Attorney’s fees under 42 U.S.C. 406(b) are paid from past-due benefits awarded to a successful claimant. The fee request is in addition to the \$4,093.60 in fees Plaintiff’s counsel has received under the Equal Access to Justice Act, 28 U.S.C. 2412(d).

Defendant filed a response to the motion noting that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff’s counsel be awarded fees under 42 U.S.C. 406(b) in the amount of \$ 10,917.25 (or 25% of Plaintiff’s past-due benefits, whichever is less); and it is further ORDERED that Plaintiff’s counsel refund to the Plaintiff any fees received in excess of 25% of Ms. Mebane’s past-due benefits.

So ordered, this 12th day of March, 2018.


United States District Judge