

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:14-cv-205

TERDMUND B. JAMES,	)	
Plaintiff,	)	
	)	
vs.	)	ORDER APPROVING
	)	MOTION FOR ATORNEY FEES
NANCY A. BERRYHILL,	)	ATORNEY FEES PURSUANT
ACTING COMMISSIONER OF	)	TO 42 U.S.C. §406(b)
SOCIAL SECURITY	)	
ADMINISTRATION,	)	
Defendant.	)	

Plaintiff's counsel file a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$19,353.00. Attorney's fees under section 406(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,453.00.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$19,353.00, and refund to the Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this the 3rd day of May, 2017.

  
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 KIMBERLY A. SWANK  
 United States Magistrate Judge