

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
 EASTERN DIVISION  
 Civ. No. 4:19-CV-00116-FL

GREGORY BRANTLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
ANDREW SAUL,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

Plaintiff's counsel filed 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 \$12,285.75 (Document No. 27). Attorney's fees under section 206(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 \$5,400.00. Defendant filed a response, stating 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 \$ 12,285.75, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 28<sup>th</sup> day of April, 2021.



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Louise W. Flanagan  
UNITED STATES DISTRICT JUDGE