

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CV-00145-FL

TANJANECA DIXON, )  
)  
Plaintiff, )  
)  
v. )  
)  
NANCY A. BERRYHILL, )  
Acting Commissioner of Social Security, )  
)  
Defendant. )  
\_\_\_\_\_ )

ORDER

Plaintiff’s counsel filed a motion for approval of attorney’s fees under section 206(b) of the Social Security Act (the “Act”), 42 U.S.C. § 406(b), in the amount of \$35,826.75. 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 \$4,500.00 (ECF No. 41).

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 section 206(b) of the Act, 42 U.S.C. § 406(b), in the amount of \$ 35,826.75 , and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 22nd day of June, 2018.

  
JUDGE LOUISE W. FLANAGAN  
UNITED STATES DISTRICT JUDGE