

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

DAVID MICHAEL JEFFERYS, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social Security, )  
 )  
Defendant. )

Civil No. 5:12-CV-00786-FL

**ORDER**

Plaintiff’s counsel filed a motion for attorney’s fees under 42 U.S.C. § 406(b) in the amount of \$9,853.00. 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 \$3,971.00 in fees awarded by this Court under the Equal Access to Justice Act.

Defendant filed a reply 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 \$ \$9,853.00, and ordered to refund to Plaintiff the smaller award between this amount and the EAJA award.

So ordered, this 11th day of October, 2016.

  
\_\_\_\_\_  
Honorable Louise Wood Flanagan  
United States District Judge