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

Civil Action No. 5:14-cv-473-D

MALCOLM POPE,	)		
Plaintiff,	)		
	)	ORDER	
VS.	)		
	)		
NANCY A. BERRYHILL,	)		
Acting 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 \$10,826.50. 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 \$5.700.00 (ECF No. 39).

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 \$ 10,000, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED. This **29** day of December 2017.

JAMES C. DEVER III Chief United States District Judge