

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:14-CV-582 FL

TAMMY MARIE HILL,	)	
	)	
Plaintiff,	)	
	)	
	)	ORDER
CAROLYN W. COLVIN,	)	
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 \$7, 205.47. 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 \$5,398.25 (D.E. #37).

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 \$ 7,205.47, and refund to Plaintiff the smaller award between this amount and the EAJA award.

This 21st day of December, 2016.

  
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 LOUISE W. FLANAGAN  
 UNITED STATES MAGISTRATE JUDGE