

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 5:15-cv-209-D

LARRY D. MITCHELL, )  
)  
Plaintiff, )  
)  
v. )  
)  
NANCY BERRYHILL, )  
Acting Commissioner of Social )  
Security, )  
)  
Defendant. )

**ORDER**

This action being submitted to the Court for an Order upon Plaintiff's showing that the Commissioner of Social Security should pay the sum of \$7,439.75 for attorney fees, representing 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to § 406(b) of the Social Security Act. It also appearing that upon receipt of the 406(b) fee, Plaintiff's counsel shall pay to Plaintiff the lesser EAJA fee of \$3,319.25.

It is therefore ORDERED that the Commissioner of Social Security pay to Plaintiff's counsel the sum of \$7,439.75 from Plaintiff's back benefits and upon the payment of such sum this case is dismissed with prejudice.

SO ORDERED. This 20 day of June 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge