

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CV-00312 D

CEDRIC JOHNSON, )  
 )  
Plaintiff, )  
 )  
 ) ORDER  
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 \$ 2,500. 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 \$ 370.00 (D.E. #30). Plaintiff has been previously awarded \$6,000.00 in administrative 406(a) fees.

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 \$2,500.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED. This 12 day of June 2017.

  
\_\_\_\_\_  
JAMES C. DEVER III  
Chief United States District Judge