

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civ. No. 5:18-cv-65-FL

STEVEN D. SMITH,	)	
	)	
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
ANDREW SAUL,	)	
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 (the "Act"), 42 U.S.C. § 406(b), in the amount of \$12,000.00. 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 \$2,268.00 (ECF No. 23).

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 section 206(b) of the Act, 42 U.S.C. § 406(b), in the amount of \$ 12,000.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 31<sup>st</sup> day of December 2019.



\_\_\_\_\_  
LOUISE W. FLANAGAN  
UNITED STATES DISTRICT JUDGE