

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civ. No. 5:19-cv-00166-FL

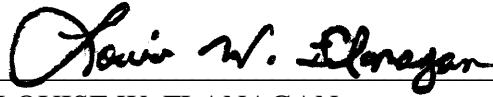
CHRISTOPHER SUMNER,)
)
 Plaintiff,)
)
 v.)
)
 KILOLO KIJAKAZI,)
 Acting Commissioner of)
 Social Security)
)
 Defendant.)
 _____)

ORDER

Plaintiff’s counsel moved 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 \$1,098.75. 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 \$ 4,500.00 (ECF No. 31). 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 \$1,098.75, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 21st day of July, 2022.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge