

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:16-CV-00301-FL

DAVID DWIGHT MITCHELL, Jr., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 NANCY A. BERRYHILL, )  
 Acting Commissioner of )  
 Social Security )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

ORDER

Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), seeking fees in the amount of \$24,504.50. 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 was previously awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,750.00. Plaintiff's motion indicates that the EAJA fees were not paid to Plaintiff's counsel.

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 \$ 24,504.50.

SO ORDERED this 31st day of May, 2019.



---

LOUISE W. FLANAGAN  
DISTRICT COURT JUDGE