

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:15-cv-00186-FDW

James T. HUTCHINS,

Plaintiff,

vs.

Nancy A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.


ORDER

THIS MATTER is before the Court on Plaintiff's Motion For Attorneys' Fees under Section 406(b) (Doc. No. 17). Defendant does not oppose the motion. (See Doc. No. 17, p. 2). Plaintiff indicates his motion is being submitted to the Court for an Order upon Plaintiff's showing that the Commissioner of Social Security should pay the sum of \$5,310.25 for attorney fees, representing less than 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to § 406(b) of the Social Security Act. Upon receipt of the § 406(b) fee, Plaintiff will be reimbursed the EAJA fee of \$3,600.00 by counsel (see Doc. No. 16).

IT IS THEREFORE ORDERED that Plaintiff's unopposed Motion (Doc. No. 17) is GRANTED. The Commissioner of Social Security shall pay to Plaintiff's counsel the sum of \$5,310.25 from Plaintiff's back benefits, and Plaintiff's counsel shall pay to Plaintiff \$3,600.00. Upon the payment of such sums, this case is dismissed with prejudice.

IT IS SO ORDERED.

Signed: November 15, 2017


Frank D. Whitney
Chief United States District Judge 