

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16-cv-305-RJC

DIXIE L. BYRD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<u>ORDER</u>
ANDREW SAUL,	)	
Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant.	)	
_____	)	

**THIS MATTER** comes before the Court on Plaintiff’s Motion for Attorney’s Fees under Section 406(b) of the Social Security Act, (Doc. No. 15). In the Motion, Plaintiff contends that she is entitled to attorney’s fees in the amount of \$13,300.00, which represents less than 25% of Plaintiff’s accrued back benefits, to be paid from Plaintiff’s back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant filed a Response to Plaintiff’s motion stating that “Defendant neither supports nor opposes Plaintiff’s counsel’s request for attorney’s fees . . . in the amount of \$13,330.00.” (Doc. No. 16 at 1).

The Court has reviewed the Motion and supporting exhibits and finds that Plaintiff has established that she is entitled to attorney’s fees pursuant to 42 U.S.C. § 406(b). For the reasons outlined in Plaintiff’s Motion, the Court **GRANTS** Plaintiff’s Motion for Attorney’s Fees. (Doc. No. 15).

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion for Attorney's Fees, (Doc. No. 15), is **GRANTED**. The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$13,300.00 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$3,230.00 EAJA fees to Plaintiff, (see Doc. No. 12 awarding EAJA fees), and upon the payment of such sums, this case shall be dismissed with prejudice.

**SO ORDERED.**

Signed: November 10, 2020



Robert J. Conrad, Jr.  
United States District Judge

