

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:18-cv-00080-RJC**

BARBARA CLEARY,)
)
 Plaintiff,)
)
 v.)
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of)
 Social Security,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court on Plaintiff’s Motion for Attorney’s Fees (the “Motion”). (Doc. No. 19). In the Motion, Plaintiff’s counsel contends that he is entitled to attorney’s fees in the amount of \$12,771.89, which represents 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 “neither supports nor opposes Plaintiff’s counsel’s request for attorney fees.” (Doc. No. 20).

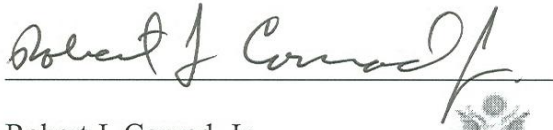
The Court has reviewed the Motion and supporting exhibits and finds that Plaintiff’s counsel has established that he is entitled to attorney’s fees pursuant to 42 U.S.C. § 406(b). For the reasons outlined in Plaintiff’s Motion, the Court will grant Plaintiff’s Motion for Attorney’s Fees. (Doc. No. 19).

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion for Attorney’s Fees, (Doc. No. 19), is **GRANTED**.

The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff’s counsel the sum of \$12,771.89 from Plaintiff’s back benefits and Plaintiff’s counsel shall refund the EAJA

fee if \$4,250.00 to Plaintiff.

Signed: September 30, 2022

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

