

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEVIN PETTIT,	:	
Plaintiff,	:	
vs.	:	Case No. 3:08cv00257
CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration,	:	District Judge Walter Herbert Rice Chief Magistrate Judge Sharon L. Ovington
Defendant.	:	

DECISION AND ENTRY

This case is before the Court upon the Motion For Allowance Of Attorney Fees filed by Plaintiff's attorney. (Doc. #17). The Commissioner has neither responded to nor opposed the Motion, and the time for filing a Memorandum in Opposition has expired. *See* S.D. Ohio Civ. R. 7.2(a)(2).

The Motion seeks an award of attorney fees under 42U.S.C. §406(b)(1) in the total amount of \$10,406.22. (Doc. #17, PageID at 130). In the absence of a response or opposition by the Commissioner, the Motion, Memorandum, and supporting Exhibits establish that an award of attorney fees is warranted under 42 U.S.C. §406(b)(1) in the amount the Motion seeks.

Accordingly, the Court hereby **ORDERS** that:

1. The Motion For Allowance Of Attorney Fees (Doc. #17) is GRANTED;
2. The Commissioner shall pay Plaintiff's attorney fees pursuant to 42 U.S.C. §406(b)(1) in the amount of \$10,406.22; and
3. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge