

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

PHYLLIS KENNEDY,	:	
Plaintiff,	:	Case No. 3:11cv00218
vs.	:	District Judge Walter Herbert Rice Chief Magistrate Judge Sharon L. Ovington
CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration,	:	
Defendant.	:	

DECISION AND ORDER


This case is before the Court upon the Motion For Attorney Fees Under Equal Access To Justice Act, 28 U.S.C. §2412(d) filed by Plaintiff's attorney. (Doc. #26). 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 §2412(d) in the total amount of \$11,242.31. (Doc. #26, PageID at 157-58, 161). 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 §2412(d) in the amount the Motion seeks.

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

1. The Motion For Allowance Of Attorney Fees (Doc. #26) is GRANTED;

2. The Commissioner shall pay Plaintiff's attorney fees pursuant to 28 U.S.C. §2412(d) in the amount of \$11,242.31; and
3. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge