

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONNY WILSON,

Plaintiff,

No. 3:11-cv-01001-HZ

v.

CAROLYN COLVIN, Commissioner
of Social Security,

ORDER

Defendant.

Plaintiff Donny Wilson brought this action seeking review of the Commissioner's decision to deny his application for disability insurance benefits (DIB). In an October 31, 2012 Opinion & Order, I reversed the Commissioner's decision, concluding that the Administrative Law Judge (ALJ) had improperly concluded that Plaintiff is not disabled and not entitled to DIB. I ordered that the case be remanded for additional proceedings. Judgment was entered on September 11, 2012.

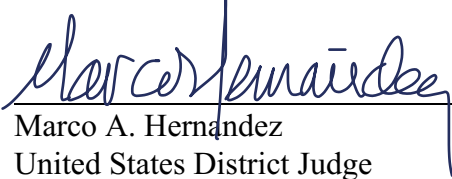
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting

materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [26] and award Plaintiff's counsel \$16,208.50 in attorney's fees under 42 U.S.C. § 406(b). Plaintiff's counsel, however, has requested only \$10,587.25 in recognition of a \$5,621.25 agency fee that was requested on November 4, 2013. Previously, I awarded Plaintiff attorney's fees in the amount of \$3,719.01 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$6,868.24, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this ²⁸~~22~~ day of January, 2014


Marco A. Hernandez
United States District Judge