

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LLOYD COOK,

No. 3:13-cv-01372-HZ

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

ORDER

Defendant.

Plaintiff Lloyd Cook brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits and supplemental security income. In a September 2, 2014 Opinion & Order, Judge Redden reversed the Commissioner's decision and ordered that the case be remanded for further proceedings.¹ Judgment was entered on September 2, 2014.

Upon remand, Plaintiff eventually obtained a favorable decision from an ALJ on March 25, 2016. Pl.'s Mot. for Fees, Ex. 5, ECF 30-5. 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

¹ The case was reassigned to me on October 26, 2016. ECF 28.

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 [30] and award Plaintiff's counsel \$20,191 in attorney's fees under 42 U.S.C. § 406(b). Previously, Judge Redden awarded Plaintiff attorney's fees in the amount of \$3,735.87 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF 23. When issuing the § 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 \$16,455.13, less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

Dated this 7 day of Feb, 2017



Marco A. Hernandez
United States District Judge