IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

STEPHEN J. METZLER,

Plaintiff,

v.

COMMISSIONER, Social Security Administration,

Defendant.

Case No. 3:16-cv-02000-SU

OPINION AND ORDER

SULLIVAN, United States Magistrate Judge:

Plaintiff Stephen J. Metzler has filed a Stipulated Application for Fees Pursuant to EAJA, the Equal Access to Justice Act, 28 U.S.C. § 2412. (Docket No. 21). Plaintiff requests that attorney fees of $5,876.74 be awarded to his attorneys. *Id.* The Commissioner has stipulated to

this award. *Id.* On August 24, 2017, the Court reversed the Commissioner's decision denying plaintiff benefits, and remanded for further administrative proceedings. (Docket Nos. 19, 20).[1]

As the prevailing party, plaintiff is entitled to attorney fees under EAJA. However, plaintiff has not provided the proper support for his application. The Court must ensure that the requested fees are reasonable, *see Sorenson v. Mink*, 239 F.3d 1140, 1145 (9th Cir. 2001), but plaintiff has not submitted evidence of reasonableness, specifically, a report of attorney tasks completed and hours spent on each. EAJA fees are statutorily capped, but plaintiff has not cited the annual EAJA rates for the relevant year(s) worked. Such documentation is provided in EAJA fee applications, even when stipulated. Additionally, under 28 U.S.C. § 2412(d), EAJA fee awards are by default paid to the litigant, not his attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). For the Court to order an award directly to plaintiff's attorneys, plaintiff must submit documentation so authorizing, such as a retainer agreement or attorney-client contract providing for the payment of EAJA fees to plaintiff's attorneys, or an affidavit from plaintiff approving such payment. Plaintiff has not provided such authorization.

The Court thus DENIES plaintiff's Application, with leave for plaintiff to refile with sufficient, proper support and information.

IT IS SO ORDERED.

DATED this 28th day of November, 2017.

/s/ Patricia Sullivan
PATRICIA SULLIVAN
United States Magistrate Judge

[1] The parties have consented to the Magistrate Judge's jurisdiction pursuant to 28 U.S.C. § 636. (Docket No. 4).