

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

JEFF SOWDEN,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

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Civ. No. 3:16-cv-02310-CL

OPINION & ORDER

CLARKE, Magistrate Judge.

This case comes before the Court on an unopposed motion for attorney fees (#28) under 42 U.S.C. § 406(b). Plaintiff moves the Court for approval of \$9,575.51 in fees, reduced by \$4,383.98 Equal Access to Justice Act ("EAJA") fees already awarded, for a total of \$5,191.53. A fee awarded pursuant to 42 U.S.C. § 406(b) cannot exceed 25% of the retroactive benefits. *Crawford v. Astrue*, 586 F.3d 1142, 1147 (9th Cir. 2009). The fee being requested, combined with the \$6,000 agency fee already awarded, is 25% of the retroactive benefits (\$62,302.04) awarded to Plaintiff. Having reviewed the proceedings and the amount of fees sought, the Court

concludes that Plaintiff's counsel is entitled to the \$9,575.51 in fees requested, minus \$4,383.98 EAJA fees, for a total of \$5,191.53.

Plaintiff's Motion (#28) is GRANTED. The agency is directed to issue the § 406(b) check directly to Plaintiff's counsel, minus any user fee. Any amount withheld after all administrative and attorney fees are paid should be released directly to Plaintiff.

IT IS SO ORDERED AND DATED this 22 day of October, 2019.



MARK D. CLARKE  
United States Magistrate Judge