

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

PARIS RENE POSTON,

Civ. No. 6:15-cv-02389-CL

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

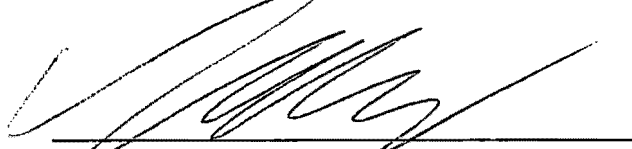
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CLARKE, Magistrate Judge.

This case comes before the Court on an unopposed motion for attorney fees (#24) under 42 U.S.C. § 406(b). Plaintiff is due a retroactive award of benefits in the amount of \$210,257.00. 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). Plaintiff's counsel seeks an aggregate total attorney fee of \$30,000, which is less than the statutorily permitted 25% of Plaintiff's retroactive benefits (\$52,564.25), and accounts for a reduction of \$5,007.28 in Equal Access to Justice (EAJA) fees already awarded, \$6,000 in fees paid already pursuant to the fee agreement, and a voluntary reduction of \$11,556.97. Having reviewed the proceedings and the amount of

fees sought, the Court concludes that Plaintiff's counsel is entitled to the \$30,000 fees requested. Plaintiff's Motion (#24) is GRANTED. The agency is directed to issue the § 406(b) check directly to Plaintiff's counsel in the amount of \$30,000, minus any user fee. Any amount withheld after all administrative and attorney fees are paid should be released directly to Plaintiff.

DATED this <sup>23</sup> day of April, 2019.



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MARK D. CLARKE  
United States Magistrate Judge