

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 ROCK HILL DIVISION

Gwendolyn Ann Thomas,)	
)	
Plaintiff,)	Civil Action No.: 0:11-cv-01393-TLW
)	
vs.)	
)	ORDER
Carolyn W. Colvin,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant,)	
_____)	

On July 14, 2015, counsel for the Plaintiff, Gwendolyn Ann Thomas (“Plaintiff”), filed a motion for attorney’s fees and costs pursuant to the Social Security Act, 42 U.S.C. § 406(b). (Doc. #34). In the Motion, counsel for the Plaintiff requests reimbursement for representation provided in the above-captioned case in the amount of \$25,457.00. (Doc. #34).

As required by 42 U.S.C. § 406(b), the amount requested by counsel is not greater than twenty-five percent (25%) of the past-due benefits recovered by the Plaintiff. Counsel for the Commissioner of Social Security (“Commissioner”) filed a Response to the Motion on August 10, 2015 stating that the Commissioner takes no position but does not object to the request for an award of attorney’s fees under § 406(b). (Doc. #36).

The Court has reviewed the motion, counsel’s fee petition, and the accompanying fee agreement and finds that the request for fees pursuant to § 406(b) is reasonable. Accordingly, **IT IS ORDERED** that Plaintiff’s Motion for Attorney’s Fees (Doc. #34) pursuant to the Social Security Act, 42 U.S.C. § 406(b), be and hereby is **GRANTED** in the amount of \$25,457.00.

The Court notes that the Plaintiff's attorney was also awarded attorney's fees in this action in the amount of \$4,379.00 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 . (See Doc. #33). As Plaintiff's counsel acknowledges in his Motion and Memorandum (Docs. #34; 34-1 at 10), the previous EAJA award of \$4,379.00 must be refunded to the Plaintiff pursuant to Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), resulting in a net fee of Twenty-One Thousand Seventy-Eight (\$21,078.00) Dollars.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

September 1, 2016
Columbia, South Carolina