

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

| | | |
|---|---|--------------------------------|
| Symantha C. Douglas, |) | C/A No. 1:09-1349-CMC-SVH |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| Michael J. Astrue, |) | ORDER GRANTING PETITION |
| Commissioner of Social Security Administration, |) | FOR ATTORNEYS' FEES |
| |) | |
| Defendant. |) | |

On July 14, 2011, attorney for Plaintiff in the above-styled action filed a petition for attorneys' fees pursuant to 42 U.S.C. § 406(b) in the amount of \$3,081.75 for 39.1 hours of legal services before the court. Dkt. No. 34. The Commissioner, in his response filed July 28, 2011, indicated that he would not oppose Plaintiff's petition. Dkt. No. 36.

Having reviewed the petition in light of the factors to be considered in awarding attorneys' fees in a social security case, the court finds that an award of \$3,081.75 is reasonable. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002) ("[Section] 406(b) calls for court review of [contingency fee agreements] as an independent check, to assure that they yield reasonable results in a particular case"). The fees in this matter are sought pursuant to a contingency fee agreement through which Plaintiff agreed to an attorneys' fee of 25 percent of any past-due benefits.¹ This percentage is the maximum allowed by Section 406(b).

¹ Plaintiff was awarded \$36,326.98 in SSI benefits. Dkt. No. 34-1 at 1. Plaintiff's counsel received \$5,917.00 as an administrative fee. *Id.* at n.1. Therefore, the resulting net fee sought is \$8,998.75, which is just less than 25 percent of Plaintiff's past-due benefits. Counsel's previous motion for attorneys' fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 4212 was denied. Dkt. No. 33.

For the reasons set forth above, the court finds that the amount sought is reasonable. Accordingly, the court orders that Plaintiff's counsel be awarded \$3,081.74 in attorneys' fees.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 28, 2011