

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Sherry Rene Martin, )  
                          )  
Plaintiff,            )  
                          )  
vs.                    )                    Civil Action No.: 4:11-cv-01330-TLW  
                          )  
Michael J. Astrue, Commissioner of            )  
Social Security Administration,                )  
                          )  
Defendant.            )  
                          )  
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**ORDER**

Before the Court is the plaintiff's motion for attorney's fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. #31). The plaintiff, Sherry Rene Martin ("plaintiff"), brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to obtain judicial review of a final decision of the defendant, Commissioner of Social Security Administration ("Commissioner" or "defendant"), denying her claims. (Doc. #1).

This case was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), D.S.C. On June 21, 2012, the Magistrate Judge issued a Report and Recommendation (the "Report") recommending that the Commissioner's decision be reversed pursuant to 42 U.S.C. §§ 405(g), sentence four, and 1383(c)(3), and that the case be remanded to the Commissioner. (Doc. #21). On July 6, 2012, the Commissioner filed objections to the Magistrate Judge's Report. (Doc. #23). On July 11, 2012, the plaintiff filed a Reply to the Commissioner's objections. (Doc. #26). On September 25, 2012, this Court accepted the Magistrate Judge's Report and Recommendation. (Doc. #28).

On December 12, 2012, counsel for the plaintiff filed a motion for attorney's fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. #34). In the motion, counsel for the plaintiff seeks reimbursement for counsel's representation in this matter in the total amount of \$5,132.32, for attorney's fees in the amount of \$5,112.00 (31.95 hours at \$160.00 per hour) and costs in the amount of \$20.32. (Doc. #31-2). On December 18, 2012, the Commissioner filed a Response to plaintiff's motion, in which the Commissioner notifies the Court that he does not oppose plaintiff's motion. (Doc. #32).

Based on the foregoing and after carefully considering the briefs and materials submitted by the parties, the Court finds counsel's request for fees reasonable. **IT IS HEREBY ORDERED** that Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act (Doc. #31) is **GRANTED**. Accordingly, the plaintiff is awarded the total amount of \$5,132.32, for attorney's fees in the amount of \$5,112.00 (31.95 hours at \$160.00 per hour) and costs in the amount of \$20.32.

**IT IS SO ORDERED.**

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

January 30, 2013  
Columbia, South Carolina