

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

MELISSA JEAN BAILEY,	)	Civil Action No. 4:13-CV-1353-JMC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
NANCY A. BERRYHILL, Acting	)	
Commissioner of Social Security, <sup>1</sup>	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on motion for entry of an order on payment of attorney’s fees pursuant to § 206(b) of the Social Security Act, 42 U.S.C. § 406(b). (ECF No. 32.) Plaintiff’s Counsel previously filed a motion for attorney’s fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d) in the amount of Four Thousand One Hundred and Fifteen dollars and Fifty-Two cents (\$4,115.52). (ECF No. 28.) The court reviewed Plaintiff’s attorney’s fee motion that was submitted and granted Plaintiff’s request for attorney’s fees under the EAJA in the amount of \$4,115.52. (ECF No. 31.)

Plaintiff’s motion for attorney’s fees under 42 U.S.C. § 406(b) now requests reimbursement for Counsel’s representation in the amount of Four Thousand Nine Hundred and Seventy-Nine dollars (\$4,979.00). (ECF No. 32.) The Acting Commissioner (“Commissioner”) filed a response to Plaintiff’s motion that she does not oppose Plaintiff’s request for attorney’s fees in the amount of \$4,979.00 under 42 U.S.C. § 406(b) be deducted from Plaintiff’s past-due Social Security benefits. (ECF No. 34 at 1.) Furthermore, the Commissioner requests that the court order Plaintiff’s

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<sup>1</sup> Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Fed. R. Civ. P. 25(d), Nancy A. Berryhill is substituted for former Acting Commissioner Carolyn W. Colvin as a Defendant in this lawsuit.

counsel to remit to Plaintiff the fees previously awarded under the EAJA in the amount of \$4,115.52. (ECF No. 34 at 2.) The court has reviewed Plaintiff's Counsel's motion for attorney's fees pursuant to 42 U.S.C. § 406(b) and finds the Plaintiff is entitled to an award of attorney's fees in the amount of \$4,979.00. The court further directs Plaintiff's Counsel to remit to Plaintiff the fees previously awarded under the EAJA in the amount of \$4,115.52.

**IT IS SO ORDERED.**

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

J. Michelle Childs  
United States District Judge

March 31, 2017  
Columbia, SC