

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ROSA RODRIGUEZ,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

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Civil Action No. SA-09-CV-999-XR

ORDER ON MOTION FOR ATTORNEY FEES

On this date, the Court considered Plaintiff’s Motion for Award of Attorney Fees (Docket Entry No. 22) under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and the Defendant’s Response (Docket Entry No. 24). Defendant advised the Court that he does not oppose an award of attorney fees in the amount requested, as long as payment is directed to Plaintiff herself rather than her attorney. The U.S. Supreme Court has recently held that EAJA attorney fee awards are to be paid directly to the litigant, not the litigant’s attorney. *See Astrue v. Ratliff*, ___ U.S. ___, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010) (finding that the practice of paying some EAJA fee awards directly to attorneys in Social Security cases does not overcome the plain text of 28 U.S.C. § 2412(d)(1)(A) that fees are awarded to the prevailing party).

After reviewing the pleadings on file in the instant case, the Court finds that Plaintiff’s motion is meritorious and should be GRANTED. Accordingly, it is hereby ORDERED that Defendant Michael J. Astrue is directed to pay to Plaintiff Rosa Rodriguez the amount of \$5,914.92 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

It is so ORDERED.

SIGNED this 31st day of January, 2011.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE