

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JENNIFER MENARD,

Plaintiff,

v.

Case No.: 8:16-cv-2260-T-AAS

**NANCY A. BERRYHILL, acting
Commissioner of Social Security,¹**

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Consent Petition for Attorney Fees. (Doc. 27). Plaintiff asserts that the Commissioner does not oppose the requested relief. (*Id.* at 3).

Plaintiff seeks attorney's fees in the amount of \$6,913.37 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Plaintiff asks for \$770.72 in fees for work performed on the case in 2016, calculated at a rate of \$192.68 per hour for 4 hours, and \$6,142.65 in fees for work performed on the case in 2017, calculated at a rate of \$195.26 per hour for 31 hours.²

The Court entered an order reversing and remanding the case under sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings. (Doc. 25). The Clerk entered judgment in favor of Plaintiff the next day. (Doc. 26). As the prevailing party, Plaintiff now requests an award of fees. *See* 28 U.S.C. § 2412(a)(1) & (d)(1)(A). As judgment for Plaintiff

¹ Between the filing of this suit and the entry of this Order, Nancy A. Berryhill replaced Carolyn W. Colvin as acting Commissioner. As such, Ms. Berryhill is "automatically substituted as a party." Fed. R. Civ. P. 25(d).

² The undersigned finds the hourly rates requested reasonable in light of Consumer Price Index Inflation Calculator. *See* 28 U.S.C. § 2412(d)(2)(A) ("[A]ttorney fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living . . . justifies a higher fee.").

was entered on September 14, 2017, and Plaintiff filed her Petition for Attorney's Fees on November 29, 2017, the Court has jurisdiction to award the requested fees. *See* 28 U.S.C. § 2412(d)(1)(B).³

After issuance of an order awarding EAJA fees, however, the United States Department of the Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel. (Doc. 27-1, pp. 2–3).

For the reasons set out in Plaintiff's motion, therefore, it is hereby **ORDERED**:

1. Plaintiff's Consent Petition for Attorney Fees (Doc. 27) is **GRANTED**.
2. Plaintiff is awarded **\$6,913.37** in attorney's fees pursuant to the EAJA.

DONE AND ORDERED in Tampa, Florida, on this 1st day of December, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

³ The sixty-day appeal period expired on November 14, 2017, at which point the Court's judgment became final. *See* Fed. R. App. P. 4(a)(1)(b). Therefore, Plaintiff's deadline for filing a petition for EAJA fees is December 15, 2017. *See* 28 U.S.C. § 2412(d)(1)(B); *see also* Fed. R. Civ. P. 6(a)(1).