

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

NANCY AYALA :
 :
 :
 V. : CIV. NO. 3:10CV129 (WWE)
 :
 MICHAEL J. ASTRUE :
 COMMISSIONER SOCIAL SECURITY :
 ADMINISTRATION :

RULING ON MOTION FOR ATTORNEY'S FEES AND COSTS

On August 23, 2010, Judge Eginton approved the Recommended Ruling granting defendant's Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. §405(g) with Reversal and Remand to the Commissioner for further proceedings. [Doc. #18]. Pursuant to the statute, "a party who wins a sentence four remand order is a prevailing party." Shalala v. Schaefer, 509 U.S. 292, 302 (1989).

Pending is plaintiff's Motion for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [**Doc. # 19**] in the amount of \$1,815.55. The Commissioner failed to file a response to plaintiff's motion. The Court has carefully considered the motion, memorandum in support, affidavit of counsel and time records and finds that plaintiff's counsel's hourly rate (\$174.57) and hours expended (10.4) are reasonable.

Accordingly, plaintiff's Motion for an Award of Attorney's

Fees Pursuant to the Equal Access to Justice Act **[Doc. # 19]** is **GRANTED** on consent. The court awards plaintiff attorney's fees and costs in the amount of \$1,815.55.

This is not a recommended ruling. This is a ruling on attorneys' fees and costs which is reviewable pursuant to the "clearly erroneous" statutory standard of review. 28 U.S.C. §636 (b)(1)(A); Fed. R. Civ. P. 6(a), 6(e) and 72(a); and Rule 72.2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the district judge upon motion timely made.

SO ORDERED at Bridgeport this 2d day of September 2010.

 /s/
HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE