

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JAMIE S. MCBRIDE,  
Plaintiff,

vs.

Case No. 06-1121-JTM

MICHAEL J. ASTRUE, COMMISSIONER  
OF THE SOCIAL SECURITY  
ADMINISTRATION,  
Defendant.

MEMORANDUM AND ORDER

The present matter for consideration is plaintiff's application for attorney's fees under the Equal Access to Justice Act ("EAJA") (Dkt. No. 18). For the following reasons, the court grants plaintiff's application.

Section 2412(d)(1)(A) of the EAJA provides that a court shall award fees and other expenses incurred by a "prevailing party" in a suit against the United States unless the "position of the United States was substantially justified" or "special circumstances make an award unjust." *Sullivan v. Hudson*, 490 U.S. 877, 883 (1989); *Goatcher v. Chater*, 57 F.3d 980, 981 (10th Cir. 1995). In order to be a "prevailing party" under the Act, a plaintiff must receive some, but not necessarily all, of the relief sought in his action. *Goatcher*, 57 F.3d at 981. A plaintiff who obtains a sentence for remand under 42 U.S.C. § 405(g) is a prevailing party for EAJA purposes. *Shalala v. Schaefer*, 509 U.S. 292, 301-02 (1993).

In the present case, plaintiff is a prevailing party under the EAJA. This court, in a judgment on April 23, 2007, entered an order reversing the defendant's decision denying disability benefits and remanding the case for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). For this reason, the court grants plaintiff's request for attorney fees.

IT IS ACCORDINGLY ORDERED this 31<sup>st</sup> day of July, 2007, that plaintiff's motion for fees (Dkt. No. 18) is granted in the amount of \$5406.90 payable to Troutman & Troutman, P.C.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE