

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JILL K. CLOUTE,

Plaintiff,

ORDER

v.

03-C-737-C

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

This is a social security appeal. On July 19, 2004, this court adopted the magistrate judge's report and recommendation that the decision of defendant Commissioner of Social Security denying plaintiff Jill Cloute benefits under the Social Security Act be reversed and the case remanded to the commissioner. Plaintiff has now applied for an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. Plaintiff contends that she is the prevailing party in an action in which she sought reversal or remand of a decision of defendant and that defendant's position in this litigation was not substantially justified. Plaintiff is seeking fees and costs in the amount of \$7,369.44.

Defendant has not opposed plaintiff's contention that she is entitled to fees under the Equal Access to Justice Act or the amount of fees requested by plaintiff. Accordingly, IT IS ORDERED that plaintiff's motion for attorney fees is GRANTED. Plaintiff is awarded fees

and costs in the amount of \$7,369.44. Pursuant to plaintiff's affidavit and assignment, the award shall be made payable to counsel for plaintiff, attorney David F. Traver. The clerk of court is directed to enter judgment in favor of plaintiff.

Entered this 22nd day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge