

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION**

LONALD HEEMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 12-cv-3165
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

OPINION

BYRON G. CUDMORE, U.S. MAGISTRATE JUDGE:

This matter comes before the Court on Plaintiff Lonal Heeman’s Application for Brief in Support of Relief Under the Equal Access to Justice Act Pursuant to Sentence Four Remand (d/e 21) (Motion). Heeman prevailed in this case and seeks an award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). The parties have consented to proceed with this matter before this Court. Consent to Proceed Before a United States Magistrate and Order of Reference entered June 20, 2013 (d/e 18). The Acting Commissioner was required to

respond to the Motion within fourteen days of service. She has not, and so, the Court presumes that she has no opposition to the Motion. Local Rule 7.1(B)(2).

The Court has reviewed the record in this case, the Motion, and the supporting documents and finds Heeman is financially eligible to receive a fee award under the EAJA, that an award of fees under the EAJA is appropriate in this case, and that the fee request of \$4,212.00 is reasonable and appropriate in this case. Therefore, the Motion is allowed.

Heeman has assigned his right to attorney fees to his counsel. Such an assignment is appropriate as long as the award of fees is not subject to offset for any debt that Heeman may owe the United States. See Astrue v. Ratliff, ___ U.S. ___, 130 S.Ct. 2521, 2529-30 (2010). The Acting Commissioner will therefore pay the amount of the award that is not subject to offset directly to Heeman's attorney.

WHEREFORE Plaintiff Lonald Heeman's Application for Brief in Support of Relief Under the Equal Access to Justice Act Pursuant to Sentence Four Remand (d/e 21) is ALLOWED. The Court awards Plaintiff Lonald Heeman \$4,212.00 in attorney fees. Plaintiff Heeman has assigned the award of fees to his attorney. The Acting Commissioner is therefore

directed to pay the amount of the award that is not subject to offset directly to his attorney, D. Terrell Dempsey.

ENTER: August 19, 2013

s/ Byron G. Cudmore
UNITED STATES MAGISTRATE JUDGE