

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LINDA GAIL MOSS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:11CV726-SRW
)	(WO)
MICHAEL J. ASTRUE, Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff brought the present action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision by the Commissioner of Social Security denying him benefits under the Social Security Act. On April 3, 2012, on the Commissioner’s motion, this court reversed the decision and remanded the case for further proceedings pursuant to sentence four of § 405(g). Plaintiff’s counsel has filed an application for an award of attorneys fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d)(1)(A). Plaintiff’s application seeks fees in the total amount of \$1,906.25. (Doc. # 17). The Commissioner does not oppose payment of fees in the amount plaintiff seeks but – citing the EAJA, the Anti-Assignment Act (31 U.S.C. § 3727), and Astrue v. Ratliff, 130 S.Ct. 2521 (2010) – objects to payment directly to plaintiff’s counsel.¹

¹ Plaintiff’s contract with her attorney, provided as an attachment to the EAJA motion, includes an assignment of any EAJA award to plaintiff’s counsel. (See Doc. # 17, # 17-4, ¶ V). In the motion for EAJA fees, counsel does not request that the award be made payable to him.

Upon consideration of plaintiff's unopposed application for attorney fees pursuant to the EAJA, it is

ORDERED that the application (Doc. # 17) is GRANTED, and plaintiff is awarded EAJA fees in the total amount of \$1,906.25.

DONE, this 18th day of July, 2012.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE