

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

WALTER S. MOTEN, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:21-cv-542-JTA
)	
KILOLO KIJAKAZI,)	(WO)
Acting Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff’s Application for Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) on Consent and Without Objection by the Government. (Doc. No. 20.) The plaintiff is the prevailing party in this litigation and seeks fees in the amount of \$ 6,226.00. The Defendant Commissioner of Social Security (“Commissioner”) does not object to a fee award in this amount. (Doc. No. 22.)

On May 5, 2008, the Eleventh Circuit Court of Appeals decided *Reeves v. Astrue*, 526 F.3d 732 (11th Cir. 2008), wherein the Court unambiguously held that “attorney’s fees are awarded to the prevailing party, not to the prevailing party’s attorney.” *Id.* at 738. On June 14, 2010, the United States Supreme Court decided *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521, 177 L. Ed. 2d 91 (2010), wherein the Court also unambiguously held that attorney’s fees are awarded to the prevailing litigant – not to prevailing litigant’s attorney – and are therefore subject to any offset for debts. Accordingly, upon consideration of the motion, the lack of objection by the Commissioner, and for good cause shown, it is hereby

ORDERED as follows:

1. The Application for Award of Attorney Fees pursuant to the Equal Access to Justice Act (Doc. No. 20) is GRANTED.
2. The plaintiff is hereby AWARDED fees in the amount of \$6,226.00.
3. The check shall be mailed to Walter S. Moten, Jr. c/o Bryan Konoski, Esq. Konoski & Partners, PC, 305 Broadway, 7th Floor, New York, NY 10007.

DONE this 10th day of May, 2022.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE