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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Dolores Eileen Elgrably,
Plaintiff,

v.
Commissioner of Social Security
Administration,
Defendant.

No. CV-17-04760-PHX-JAT

ORDER

Pending before the Court is Plaintiff’s motion for attorney’s fees pursuant to the Equal Access to Justice Act. (Doc. 16). Defendant does not oppose the motion. (Doc. 18). The Court deems Defendant’s lack of opposition to be a concession that its litigation position was not substantially justified. *See generally Russell v. Sullivan*, 930 F.2d 1443, 1445 (9th Cir. 1991). Therefore,

IT IS ORDERED that the Motion for Equal Access to Justice fees (Doc. 16) in the amount of \$6,560.72 is granted and costs are granted in the amount of \$400.00.

IT IS FURTHER ORDERED that this award shall be payable directly to Plaintiff and is subject to offset to satisfy any pre-existing debt that Plaintiff owes the United States pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 593 (2010).

Dated this 28th day of March, 2019.

