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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jessica Flynn, an unmarried woman,
10 Plaintiff,

No. CV-17-0478-TUC-BGM

11 v.

ORDER

12 Nancy A. Berryhill,
13 Acting Commissioner of Social Security,
14 Defendant.


15 Currently pending before the Court is Counsel for Plaintiff's Motion for Award
16 Attorney Fees Under the Equal Access to Justice Act, 26 U.S.C. § 2412(d) (Doc. 24).
17 Defendant does not object to the fees requested. *See* Def.'s Response to Pl.'s Mot. for
18 Attorney Fees (Doc. 25). **IT IS HEREBY ORDERED** that Plaintiff be awarded
19 attorney's fees of \$2,774.74 pursuant to the Equal Access to Justice Act ("EAJA"), 28
20 U.S.C. § 2412(d).

21 EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset
22 under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). *See Astrue v.*
23 *Ratliff*, 560 U.S. 586, 595–98, 130 S.Ct. 2521, 2528–29, 177 L.Ed.2d 91 (2010). As
24 such, **IT IS FURTHER ORDERED** that if, after receiving this Order, the Commissioner
25 determines upon its effectuation that Plaintiff does not owe a debt that is subject to offset
26 under the Treasury Offset Program, fees will be made payable to Plaintiff's attorneys. If,
27 however, there is a debt owed that is subject to offset under the Treasury Offset Program,
28 the remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but

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delivered to Plaintiff's attorneys Joane Hallinan and Audrey Miller, Hallinan & Killpack
Law Firm, 5240 East Pima Street, Tucson, Arizona 85712.

Dated this 13th day of September, 2018.



Honorable Bruce G. Macdonald
United States Magistrate Judge