

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

ALLANDRAUS CARSON

PLAINTIFF

V.

NO. 3:09-cv-00084 JWC

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Plaintiff has filed a motion for attorney's fees and expenses pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (doc. 16). The Commissioner has no objection to the amount requested (doc. 18), but further information is needed before the Court can rule.

Plaintiff's counsel attached a copy of a contract he entered into with Plaintiff, in which Plaintiff assigned his rights to any EAJA fees and costs recovered to counsel (doc. 16-1). Based on the contract, counsel requests that any EAJA award be made payable to counsel and mailed directly to him. However, in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), the Supreme Court held that any EAJA award should be made payable to the litigant – not his attorney – and further held that the award is subject to offset for any debt owed to the government by the litigant.

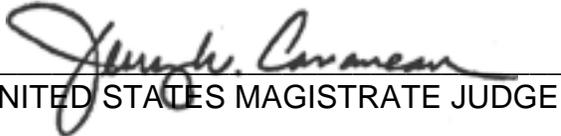
First, Plaintiff's counsel is directed to mail a copy of this order to Plaintiff, and file a notice with the Court confirming the mailing. If Plaintiff wishes to contest the validity of the assignment, he must do so by filing a response within fourteen (14) days of the date of the order, stating the reason for his objection.

Second, the Commissioner is directed to file a supplemental response within fourteen (14) days of this order, stating: (1) whether he contests the validity of the

assignment between Plaintiff and his attorney, (2) whether Plaintiff owes the federal government a debt, and (3) if a debt is owed, the amount of that debt and whether the government intends to pursue an administrative offset against any EAJA award.

Third, Plaintiff's counsel will have seven (7) days to file a reply addressing any issues raised by either Plaintiff or the Commissioner.

IT IS SO ORDERED this 17th day of March, 2011.


UNITED STATES MAGISTRATE JUDGE