

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

KEVIN ELLIOTT

PLAINTIFF

V.

Case No. 3:16-CV-00324 JTK

NANCY BERRYHILL,  
Deputy Commissioner for Operations,  
performing the duties and functions not  
reserved to the Commissioner of Social Security

DEFENDANT

**ORDER**

Pending is Plaintiff's Motion for Attorney's Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (DE #14). In the motion, Plaintiff's counsel requests \$3,094.02 in fees and expenses. Defendant does not object to the reimbursement of \$2,694.02 in an award of reasonable attorney fees under EAJA; however, she does note an objection to Plaintiff's request for reimbursement of the \$400 filing fee as a cost appropriately administered with agency funds. She states rather that 28 U.S.C. § 1920 specifically designates fees of the clerk as a cost under EAJA, rather than an expense. After careful consideration, the Court hereby finds that the motion should be granted and that Plaintiff be awarded reasonable attorney's fees and expenses.

EAJA fees are payable to Plaintiff, not Plaintiff's attorney, and such fees are subject to an offset when the Plaintiff has outstanding federal debts. *See Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). Therefore, subject to any offset, payment by check to the order of the Plaintiff, in care of his attorney, will issue to Plaintiff's attorney.

Accordingly, the Motion for Attorney's Fees (DE #14) is GRANTED. Plaintiff is awarded \$2,694.02 in fees/expenses and \$400 in costs.

IT IS SO ORDERED this 20th day of April, 2018.



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UNITED STATES MAGISTRATE JUDGE