

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 Costs (DE #19). For the reasons outlined below, the motion is denied as moot.

On April 11, 2018, Plaintiff filed a Motion for Attorney Fees and Expenses and Brief in Support. The Social Security Administration did not object to the reimbursement of \$2,694.02 in an award of reasonable attorney fees under EAJA, however, did note an objection to Plaintiff's request for reimbursement of the \$400 filing fee as a cost appropriately administered with agency funds. On April 20, 2018, the Court awarded Plaintiff \$2,694.02 in fees and expenses under the EAJA and \$400 in costs.

Plaintiff subsequently filed the instant motion seeking payment of the \$400 filing fee as costs. Having already voiced its position, the Social Security Administration did not file a response.

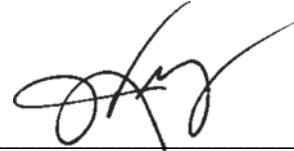
The filing fee is a cost distinguished from an expense under the EAJA. Fees paid to the clerk of the court are designated as a cost under the EAJA and not an expense paid with agency funds. *See* 28 U.S.C. §§ 1920; 2412(a)(1), (c)(1), (d)(1)(A), (d)(2), and (d)(4).

The Court, in its April 20, 2018, Order, award Plaintiff costs in the amount of the \$400 filing

fee. Therefore, this motion is denied as moot. However, provided the \$400 award of costs has not been paid, the Court directs that Plaintiff be reimbursed. The fee shall be paid by the judgment fund administered by the United States Treasury. 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 Costs (DE #19) is denied as moot because the Court previously awarded \$400 in costs. IT IS THEREFORE ORDERED that, if the \$400 filing fee has not been reimbursed to date, the fee shall be paid by the judgment fund administered by the United States Treasury.

IT IS SO ORDERED this 4th day of June, 2018.



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UNITED STATES MAGISTRATE JUDGE