

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

KEVIN D. HUNTER,

Plaintiff,

v.

Case No: 5:13-cv-422-Oc-PRL

**COMMISSIONER OF SOCIAL
SECURITY**

Defendant.

ORDER

This matter is before the Court on Plaintiff's unopposed Motion for Attorney Fees. (Doc. 30). Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), Plaintiff requests an award of fees and costs in the amount of \$7,429.61. The attached exhibits confirm the attorney hours. (Doc. 30, Exh. 1-4). Plaintiff represents that the Commissioner has agreed to an award of attorney fees.


Plaintiff asserts that he is the prevailing party in this litigation, and that the Commissioner's position in the underlying action was not substantially justified. On December 11, 2014, the Court entered an Order reversing and remanding this action to the Commissioner for a calculation of benefits. (Doc. 28). The Clerk entered Judgment accordingly. (Doc. 29).

Plaintiff has attached his affidavit (Doc. 30-1), which includes Plaintiff's assignment of EAJA fees to counsel. In light of the assignment, Plaintiff requests (and Defendant agrees) that the payment should be made payable to Plaintiff and delivered to Plaintiff's counsel unless Plaintiff owes a federal debt. If the U.S. Department of the Treasury determines that Plaintiff does not

owe a federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay fees directly to Plaintiff's counsel.

Pursuant to the provisions of the Equal Access to Justice Act (28 U.S.C. §2412(d)), Plaintiff's petition for attorney's fees (Doc. 30) is hereby **GRANTED**. Plaintiff is awarded attorney's fees and costs in the amount of **\$7,429.62**. Payment is authorized to Plaintiff's counsel if the Commissioner determines Plaintiff does not owe a debt to the government.

DONE and ORDERED in Ocala, Florida on March 2, 2015.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties