

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

**LYNVONNE EKIE HOLMES,**

**Plaintiff,**

**v.**

**Case No: 5:16-cv-499-Oc-PRL**

**COMMISSIONER OF SOCIAL  
SECURITY**

**Defendant.**

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**ORDER**

This matter is before the Court on Plaintiff's Consent Petition for Attorney's Fees. (Doc. 25). Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), Plaintiff requests an award of fees in the amount of \$2,755.18 and filing fee costs of \$400. The attached schedules of hours confirm the attorney hours. (Doc. 25, pp.12–13). Plaintiff represents that the Commissioner has no objection to her petition.

Plaintiff asserts that she is the prevailing party in this litigation, that the Commissioner's position in the underlying action was not substantially justified, and that her net worth at the time proceeding was filed was less than two million dollars.<sup>1</sup> On February 3, 2017, the Court entered an Order reversing and remanding this cause back to the Commissioner for further proceedings

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<sup>1</sup> Under the EAJA, a claimant is eligible for an attorney fee award where: (1) the claimant is a prevailing party in a non-tort suit involving the United States; (2) the Government's position was not substantially justified; (3) the claimant filed a timely application for attorney's fees; (4) the claimant had a net worth of less than \$2 million at the time the complaint was filed; and (5) there are no special circumstances which would make the award of fees unjust. 28 U.S.C. § 2412(d).

pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 23). The Clerk then entered Judgment. (Doc. 24). On February 21, 2017, Plaintiff filed her petition for attorney's fees. (Doc. 25).

Plaintiff attached a copy of the fee agreement (Doc. 25-1), which includes her assignment of EAJA fees to her counsel. In light of the assignment, Plaintiff requests (and Defendant agrees) that the payment should be made payable to her and delivered to her counsel unless she 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 her assignment of EAJA fees and pay fees directly to her counsel.

Pursuant to the EAJA (28 U.S.C. § 2412(d)), Plaintiff's petition for attorney's fees (Doc. 25) is **GRANTED**. Plaintiff is awarded attorney's fees in the amount of **\$2,755.18** and costs of **\$400**. 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 February 22, 2017.

  
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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties