

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

HEIDY A. DONDERO,

Plaintiff,

v.

Case No: 6:14-cv-1381-Orl-TBS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Unopposed Amended Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (Doc. 20). On August 4, 2015, the Court entered an order reversing the Commissioner's final decision and remanding this case for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) (Doc. 13). The Clerk entered judgment the following day (Doc. 14).

Plaintiff requests an award of attorney's fees in the amount of \$4,455 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Under the EAJA, a party is eligible for an award of fees where: (1) the party is a prevailing party in a non-tort suit involving the United States; (2) the Government's position was not substantially justified; (3) the party filed a timely application for attorney's fees; (4) the party 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). 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 this action as filing was less than \$2 million (Doc. 20, pp. 1-2). The Court

previously determined that the Government's position was not substantially justified (Doc. 19). The schedule of attorney hours attached to the petition confirms Plaintiff's attorney's claimed hours (Doc. 20-1).

Plaintiff has assigned her EAJA fees to her counsel, Bradley K. Boyd, and requests that the payment be delivered to him unless Plaintiff owes a federal debt (Docs. 20, p. 2; 20-3, ¶ 8). 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 Mr. Boyd (Docs. 20, p. 2; 20-3, ¶ 8).

Upon due consideration, Plaintiff's motion is **GRANTED** and she is awarded attorney fees in the amount of **\$4,455** made payable to Plaintiff and delivered to Bradley K. Boyd, if the Commissioner determines Plaintiff does not owe a debt to the government.

DONE and **ORDERED** in Orlando, Florida on December 22, 2015.


THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record