

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

BRENDA MCCORMICK,

Plaintiff,

v.

Case No.: 8:16-cv-1203-T-AAS

**NANCY A. BERRYHILL, acting
Commissioner of Social Security,¹**

Defendant.

ORDER

This cause comes before the Court on Plaintiff's Petition for Attorney Fees. (Doc. 23). Plaintiff seeks attorney's fees in the amount of \$4,223.56 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

The Court entered an Order reversing and remanding the case under sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings. (Doc. 21). The Clerk entered judgment in favor of Plaintiff thereafter. (Doc. 22). As the prevailing party, Plaintiff now requests an award of fees. *See* 28 U.S.C. § 2412(a)(1) & (d)(1)(A). As judgment for Plaintiff was entered on July 11, 2017, and Plaintiff's Unopposed Motion for Award of Attorney's Fees and Costs/Expenses was filed on September 20, 2017, the Court has jurisdiction to award the requested fees. *See* 28 U.S.C. § 2412(d)(1)(B).

Plaintiff states that the Commissioner does not oppose the requested relief. (Doc. 23, p. 2). After issuance of an order awarding EAJA fees, however, the United States Department of the

¹ Between the filing of this suit and the entry of this Order, Nancy A. Berryhill replaced Carolyn W. Colvin as acting Commissioner. As such, Ms. Berryhill is "automatically substituted as a party." Fed. R. Civ. P. 25(d).

Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel.

For the reasons set out in Plaintiff's motion, therefore, it is hereby **ORDERED**:

1. Plaintiff's Petition for Attorney Fees (Doc. 23) is **GRANTED**.
2. Plaintiff is awarded **\$4,223.56** in attorney's fees pursuant to the EAJA.

DONE AND ORDERED in Tampa, Florida, on this 20th day of September, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge