

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

PAUL PRUITT,

Plaintiff,

v.

Case No. 8:17-cv-2355-T-AAS

**NANCY A. BERRYHILL, Deputy
Commissioner of Operations,
Social Security Administration,**

Defendant.

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ORDER

Paul Pruitt moves for an award of attorney's fees and costs, which the Commissioner does not oppose. (Doc. 20). Mr. Pruitt requests \$3,885.67 in attorney's fees, and \$400.00 in filing costs, under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. The EAJA permits awards for reasonable attorney's fees and filing costs to a prevailing party against the United States. 28 U.S.C. § 2412.

The November 5, 2018 order reversed and remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 17). The Clerk entered judgment in Mr. Pruitt's favor. (Doc. 18). Mr. Pruitt now requests an award of attorney's fees and filing costs under the EAJA. (Doc. 20).

The Commissioner does not contest the following: Mr. Pruitt is the prevailing party; Mr. Pruitt's net worth was less than \$2 million when he filed his complaint; the Commissioner's position was not substantially justified; no special circumstances

make an attorney's fees award unjust; and Mr. Pruitt's attorney's fees request is unreasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Therefore, Mr. Pruitt is entitled to \$3,885.67 in attorney's fees and \$400.00 in filing costs.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following this order, the United States Department of the Treasury will determine whether Mr. Pruitt owes a debt to the United States. Mr. Pruitt also assigned his rights to EAJA fees to his attorney. (Doc. 20-2). So, if Mr. Pruitt has no federal debt, the United States will accept Mr. Pruitt's assignment of EAJA fees and pay the fees directly to his counsel.

Accordingly, it is **ORDERED** that Mr. Pruitt's motion for attorney's fees under the EAJA (Doc. 20) is **GRANTED**. Mr. Pruitt is awarded **\$3,885.67** in attorney's fees and **\$400.00** in filing costs.

ENTERED in Tampa, Florida on February 5, 2019.



AMANDA ARNOLD SANSONE
United States Magistrate Judge