

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SHERI MAYOR,

Plaintiff,

v.

Case No. 8:18-cv-978-T-AAS

ANDREW SAUL,
Commissioner,
Social Security Administration,¹

Defendant.

ORDER

Sheri Mayor moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 21). The Commissioner does not oppose the motion. (*Id.* at ¶ 5). Ms. Mayor requests \$6,218.56 in attorney's fees and \$400 for her filing fee. The EAJA permits awards for reasonable attorney's fees and expenses to a prevailing party against the United States. 28 U.S.C. § 2412.

The August 2, 2019 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 19). The Clerk entered judgment in Ms. Mayor's favor. (Doc. 20). Ms. Mayor now requests an award of attorney's fees and costs under the EAJA. (Doc. 21).

¹ On June 17, 2019, Andrew Saul became Commissioner of the Social Security Administration. Consistent with Federal Rule of Civil Procedure 25(d), Mr. Saul is substituted as a party in Nancy Berryhill's place.

The Commissioner does not contest the following: Ms. Mayor is the prevailing party; Ms. Mayor's net worth was less than \$2 million when she filed her complaint; the Commissioner's position was not substantially justified; no special circumstances make an attorney's fees award unjust; and Ms. Mayor's attorney's fees request is reasonable. 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, Ms. Mayor is entitled to \$6,218.56 in attorney's fees and \$400 for her filing fee.

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 Ms. Mayor owes a debt to the United States. Ms. Mayor assigned her rights to EAJA fees to her attorney. So, if Ms. Mayor has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, Ms. Mayor's motion for attorney's fees and costs under the EAJA (Doc. 21) is **GRANTED**. Ms. Mayor is awarded **\$6,218.56** in attorney's fees and **\$400** for the filing fee.

ORDERED in Tampa, Florida on October 9, 2019.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge