

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

ARIELLE EUBANKS-CARSWELL,

Plaintiff,

v.

Case No. 8:18-cv-1238-T-AAS

**ANDREW SAUL,
Commissioner,
Social Security Administration,¹**

Defendant.

ORDER

Arielle Eubanks-Carswell moves for an award of attorney's fees, which the Commissioner does not oppose. (Doc. 24). Ms. Eubanks-Carswell requests \$5,982.41 in attorney's fees, under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. 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. 22). The Clerk entered judgment in Ms. Eubanks-Carswell's favor. (Doc. 23). Ms. Eubanks-Carswell now requests an award of attorney's fees under the EAJA. (Doc. 24).

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. Eubanks-Carswell is the prevailing party; Ms. Eubanks-Carswell'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. Eubanks-Carswell'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. Eubanks-Carswell is entitled to \$5,982.41 in attorney's fees.

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

Accordingly, Ms. Eubanks-Carswell's motion for attorney's fees under the EAJA (Doc. 24) is **GRANTED**. Ms. Eubanks-Carswell is awarded **\$5,982.41** in attorney's fees.

ORDERED in Tampa, Florida on October 9, 2019.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge