

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-62032-CIV-COHN

MOSTAPHA HAJOMAR,

Magistrate Judge Seltzer

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,Defendant.

ORDER GRANTING PETITION FOR ATTORNEY'S FEES

_____ THIS CAUSE is before the Court upon Plaintiff's Application for Attorney's Fees [DE 19] and Defendant's Response thereto [DE 20]. The Court has carefully considered the motion and is otherwise fully advised in the premises.

Plaintiff's counsel seeks \$4,667.02 in attorney's fees and \$350.00 in costs (filing fee) pursuant to the Equal Access for Justice Act. Plaintiff included an assignment of fees from the Plaintiff to counsel. The Commissioner in this case agreed to remand the case for further proceedings, making Plaintiff the prevailing party. Defendant does not oppose the amount of fees or costs, nor payment of the EAJA fees directly to counsel, but does reserve the right to offset any debts owed by Plaintiff to the United States. Plaintiff did not file a reply by today's date.¹

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

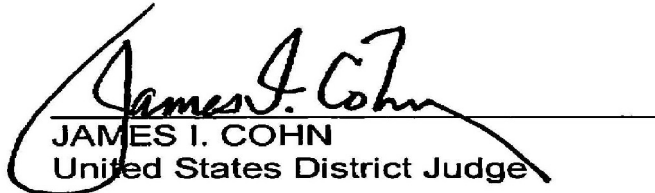
1. Plaintiff's Petition for Attorney's Fees [DE 19] is hereby **GRANTED**;
2. The Court shall separately enter judgment for Plaintiff's counsel in the amount of _____

¹ The ability of the United States to offset any debts owed by Plaintiff against an attorney fees award is an issue presently before the United States Supreme Court upon certiorari granted September 30, 2009. See Astrue v. Ratliff, 540 F.3d 800 (8th Cir. 2008), *cert. granted*, (Supreme Court Docket No. 08-1322).

\$5,017.02 in attorney's fees and costs;

3. The Court takes no position at this time as to whether the funds are subject to any Treasury offset, as the issue is not ripe before the undersigned.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County,
Florida, this 8th day of October, 2009.



JAMES I. COHN
United States District Judge

copies to:

counsel of record