E-FILED
Tuesday, 17 April, 2012 10:00:43 AM
Clerk, U.S. District Court, ILCD

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

PETER C. TSAKALAKIS)
)
Plaintiff,)
)
v.)   Case No.   08-cv-1175
)
MICHAEL J. ASTRUE, Commissioner of)
Social Security,)
)
Defendant.)

O R D E R & O P I N I O N

This matter is before the Court on the parties' joint Stipulation to Award EAJA Fees. (Doc. 32). On April 2, 2012, the parties jointly submitted a stipulation indicating that Defendant shall pay fees and expenses of $12,704.31 and costs of $455.00 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, to Plaintiff. The parties stipulate that this award will fully satisfy any and all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 that may be payable in this case. Pursuant to the Supreme Court's decision in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), any fees paid belong to Plaintiff and can be offset to satisfy any pre-existing debt that Plaintiff owes to the United States.

Additionally, the parties have stipulated that after this Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debts to the United States that are subject to offset, Defendant will direct that the award be made payable to Plaintiff's attorney pursuant to the attorney's fee assignment duly signed by Plaintiff and his counsel. The parties have agreed that Defendant

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will direct the Treasury Department to mail any check in this matter to the business address of Plaintiff's counsel.

IT IS THEREFORE ORDERED that the parties' joint Stipulation to Award EAJA Fees (Doc. 32) is GRANTED. The Clerk is DIRECTED to prepare an amended judgment awarding Plaintiff $12,704.31 in fees and expenses and $455.00 in costs.

Entered this <u>16th</u> day of April, 2012.

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s/ Joe B. McDade
JOE BILLY McDADE
United States Senior District Judge

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