

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

MICHAEL L. NOLAN,)	
)	
Plaintiff,)	
)	
v.)	No. 12-cv-3309
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

OPINION

BYRON G. CUDMORE, U.S. MAGISTRATE JUDGE:

This matter comes before the Court on the Parties' Joint Motion for an Award of EAJA Fees (d/e 20) (Motion). Plaintiff Michael L. Nolan prevailed in this case and seeks an award of attorney fees under the Equal Access to Justice Act (EAJA)EAJA, 28 U.S.C. § 2412(d). The parties have consented to proceed with this matter before this Court. Notice of Availability of a United States Magistrate to Exercise Jurisdiction and Order of Reference entered April 11, 2013 (d/e 12).

The parties have jointly moved to award Nolan attorney fees in the amount of \$2,088.00. The Court has reviewed the record in this case, the

Motion and the supporting documents, and the Stipulation, and finds Nolan is financially eligible to receive a fee award under the EAJA, that an award of fees under the EAJA is appropriate in this case, and that \$2,088.00 is reasonable and appropriate in this case. Therefore, the Motion is allowed.

Nolan has assigned his right to attorney fees to his counsel. Such an assignment is appropriate as long as the award of fees is not subject to offset for any debt that Nolan may owe the United States. See Astrue v. Ratliff, 560 U.S. 586, 130 S.Ct. 2521, 2529-30 (2010). The parties state in the Motion that if counsel for the parties can verify that Nolan owes no pre-existing debt subject to offset, the Commissioner will direct that the award be made payable to Nolan's attorney pursuant to the EAJA assignment duly signed by Nolan and counsel.

WHEREFORE Parties' Joint Motion for an Award of EAJA Fees (d/e 20) is ALLOWED. The Court awards Plaintiff Michael L. Nolan \$2,088.00 in attorney fees. Plaintiff Nolan has assigned the award of fees to his attorney. Pursuant to the terms of the Motion, the parties' counsel shall, within ninety days of the date of this Opinion, verify whether Nolan owes any pre-existing debt subject to offset, and the Commissioner shall pay the portion of the award that is not subject to offset directly to his attorney, D. Terrell Dempsey. Plaintiff Michael L. Nolan's Application for

Application for Brief in Support of Relief Under the Equal Access to Justice Act Pursuant to Sentence Four Remand (d/e 19) is DENIED as moot.

ENTER: September 18, 2013

s/ Byron G. Cudmore
UNITED STATES MAGISTRATE JUDGE