

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

BRADLEY J. PIERSALL,)	
)	
Plaintiff,)	
)	
v.)	No. 17-cv-3172
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

OPINION

TOM SCHANZLE-HASKINS, U.S. MAGISTRATE JUDGE:

This matter comes before the Court on Defendant’s Agreed Motion to Award Attorney’s Fees (d/e 26) (Agreed Motion). The parties have consented, pursuant to 28 U.S.C. §636(c), to proceed before this Court. Consent to Proceed Before a United States Magistrate Judge, and Order of Reference entered August 23, 2017 (d/e 8). Plaintiff prevailed in this matter and the parties now request an agreed award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). The Court has further reviewed the Agreed Motion and determines that the request of \$6,500.00 in attorney fees and expenses agreed to by the parties is reasonable and appropriate in this case. The Agreed Motion is therefore allowed.

Prior to Defendant's filing of the Agreed Motion, Plaintiff filed a Motion for EAJA Fees Pursuant to 28 U.S.C. 2412 (d/e 25). That motion is denied as moot.

Plaintiff 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 Plaintiff may owe the United States. See Astrue v. Ratliff, 560 U.S. 586, 130 S.Ct. 2521, 2529-30 (2010). The Commissioner will therefore pay the amount of the award that is not subject to offset directly to Plaintiff's attorney.

WHEREFORE Defendant's Agreed Motion to Award Attorney Fees (d/e 26) is ALLOWED. The Court awards Plaintiff Bradley J. Piersall \$6,500.00 in attorney fees and expenses. Plaintiff has assigned the award of fees to his attorney. The Commissioner is therefore directed to pay the amount of the award that is not subject to offset directly to his attorney, Peter C. Drummond. Plaintiff's Motion for EAJA Fees Pursuant to 28 U.S.C. 2412 (d/e 25) is DENIED as moot.

ENTER: September 5, 2018

s/ Tom Schanzle-Haskins

TOM SCHANZLE-HASKINS
UNITED STATES MAGISTRATE JUDGE