

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>BILLY D. HUFFSTUTLER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil No. 16-cv-498-CJP</b>
	)	
<b>NANCY A. BERRYHILL,</b>	)	
	)	
<b>Defendant.<sup>1</sup></b>	)	

**ORDER for ATTORNEY'S FEES**

**PROUD, Magistrate Judge:**

Before the Court is the parties' Joint Motion to Award Attorney Fees Under the Equal Access to Justice Act. (**Doc. 35**).

The parties have agreed that plaintiff is entitled to an award in the amount of \$7,700.00, and with no additional amount for costs and expenses.

The Court finds that plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate.

The parties' Joint Motion (**Doc. 35**) is **GRANTED**. The Court awards plaintiff Billy Huffstutler the sum of **\$7,700.00** for attorney's fees pursuant to the Equal Access to Justice Act. These funds shall be payable to plaintiff, per *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010). However, in accordance with the parties' agreement,

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. See, *Casey v. Berryhill*, \_\_ F3d. \_\_, 2017 WL 398309 (7th Cir. Jan. 30, 2017). She is automatically substituted as defendant in this case. See Fed. R. Civ. P. 25(d); 42 U.S.C. §405(g).

any part of the award that is not subject to set-off to pay plaintiff's pre-existing debt to the United States shall be made payable to plaintiff's attorney pursuant to the EAJA assignment previously executed by plaintiff and his attorney.

**IT IS SO ORDERED.**

**DATE: February 3, 2017.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**