

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

HELEN D. LITTLE )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CAROLYN W. COLVIN, Commissioner of )  
 Social Security )  
 )  
 Defendant. )

CAUSE NO.: 3:12-CV-352-TLS

**ORDER**

This matter is before the Court on the Plaintiff’s Notice of Motion [ECF No. 19] with supporting exhibits and Memorandum of Law in Support of Plaintiff’s Motion for Attorney Fees Under the Equal Access to Justice Act [ECF No. 20], all filed on September 9, 2013. The Plaintiff requests a Court order awarding Equal Access to Justice fees pursuant to 20 U.S.C. § 2412, in the amount \$5,047.22, reflecting the hourly rate of \$182.21 multiplied by the hours the attorneys spent working on this case at the federal court level. Counsel for Plaintiff additionally requests costs of \$350.00, representing the federal court filing fees, to be paid from the Judgment Fund. On September 16, 2013, Magistrate Judge Christopher A. Nuechterlein issued a Report and Recommendation [ECF No. 22] recommending that the motion [ECF No. 19] be granted because the Plaintiff timely filed the motion and demonstrated that the Commissioner’s position was not substantially justified, that she was the prevailing party, and that the cost of living adjustment and numbers of hours expended by counsel and his staff were reasonable, and because the Defendant did not object.

The Court, being duly advised, and with more than fourteen days having passed without objection, the Court ACCEPTS Magistrate Judge Christopher A. Nuechterlein’s

Recommendation [ECF No. 22] and GRANTS the Plaintiff's Application for Attorney Fees [ECF No. 19]. The Court ORDERS the Defendant to pay \$5,397.22 in attorney fees and costs, payable to Plaintiff's attorney, Charles E. Binder at the Law Offices of Harry J. Binder and Charles E. Binder, P.C. The Court further ORDERS that the Defendant ascertain whether the Plaintiff owes pre-existing debt to the United States that is subject to offset. *See Astrue*, 130 S. Ct. at 2528–29. If Plaintiff owes pre-existing debt subject to offset, the Defendant is DIRECTED to instruct the U.S. Department of Treasury to pay the Plaintiff any amount remaining after offset, and to make any such payment payable to Plaintiff's attorney, Charles E. Binder at the Law Offices of Harry J. Binder and Charles E. Binder, P.C.

SO ORDERED on October 11, 2013.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT  
FORT WAYNE DIVISION