

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

JOHN WRIGHT)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 4:10-CV-35-TLS
)	
CAROLYN W. COLVIN ¹ , Acting)	
Commissioner of Social Security)	
)	
Defendant.)	

ORDER

This matter is before the Court on attorney, C. David Little, for the Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b) [ECF No. 42], filed on October 25, 2012. Attorney Little requests to be awarded \$6,331.03 for his successful efforts in securing benefits for his client retroactive to August 25, 2005. On August 21, 2013, Magistrate Judge Roger B. Cosby issued a Report and Recommendation [ECF No. 44] recommending that the motion [ECF No. 42] be granted, except that the fee award be increased from \$6,331.03 to \$6,441.03 to satisfy all of the Plaintiff's claims under the Equal Access to Justice Act.

The Court, being duly advised, and with more than fourteen days having passed without objection, ACCEPTS Magistrate Judge Roger B. Cosby's Recommendation [ECF No. 44] and GRANTS the Plaintiff's Motion for Attorney Fees [ECF No. 42]. The Court ORDERS the Defendant to pay \$6,441.03 in attorney fees and costs, payable to Plaintiff's attorney, C. David Little at the law office of Power, Little, Little & Little. The Court further ORDERS that the

¹Although Plaintiff brought this suit against Michael J. Astrue, the former Commissioner of Social Security, Carolyn W. Colvin became the Acting Commissioner on February 14, 2013. As such, under Federal Rule of Civil Procedure 25(d), Colvin is automatically substituted as a party in place of Astrue. FED. R. CIV. P. 25(d).

Defendant ascertain whether the Plaintiff owes pre-existing debt to the United States that is subject to offset. *See Astrue v. Ratliff*, 130 S. Ct. 2521, 2528–29 (2010). 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, C. David Little, at the law office of Power, Little, Little & Little.

SO ORDERED on January 22, 2014.

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