

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

MARILYN ANN TOWNSEND, )  
Plaintiff, )  
v. ) Case No. 1:13CV76 SNLJ / DDN  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social Security, )  
Defendant. )

## **MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (ECF #28), filed May 27, 2014. Defendant filed a response on June 9, 2014.

This Court ordered (ECF #27) that the Report and Recommendation of United States Magistrate David D. Noce, filed May 1, 2014 (ECF #25), be sustained, adopted, and incorporated in this Court's Order and Judgment of May 20, 2014. Plaintiff now seeks an award of attorney's fees and expenses. Plaintiff's attorney has submitted a detailed affidavit documenting the hours of work performed. Plaintiff and Defendant have agreed to an award of EAJA fees and expenses in the amount of \$5,500.00.

Because plaintiff is the prevailing party and there are no circumstances in this case that would make an award under the EAJA unwarranted, this Court finds that plaintiff is entitled to an award in the agreed amount. An award of attorney's fees to the prevailing party under the EAJA is payable to the plaintiff as the litigant and is "subject to

[g]overnment offset to satisfy a pre-existing debt that the litigant owes the United States.”

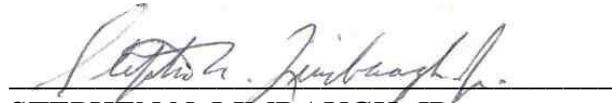
Ratliff, 130 S.Ct. at 2524. Therefore, the Court will direct the defendant to make plaintiff’s award of attorney’s fees payable to plaintiff, subject to any pre-existing debt plaintiff owes to the United States.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s Application for Attorney’s Fees under the Equal Access to Justice Act (#28) is **GRANTED** and plaintiff is awarded attorney’s fees and expenses in the amount of \$5,500.00.

**IT IS FURTHER ORDERED** that defendant shall pay attorney’s fees and expenses in the amount of \$5,500.00, payable to plaintiff, subject to any pre-existing debt that the plaintiff owes to the United States. The payment shall be mailed to plaintiff’s attorney, Sam M. Coring, Reynolds, Gold & Grosser, P.C., 1240 East Independence, Suite 200, Springfield, Missouri 65804.

Dated this 17th day of June, 2014.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE