

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MEMORANDUM AND ORDER

In a previous motion, plaintiff Terry Hounihan requested attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Defendant had no objection, and I found that Hounihan was entitled to an award in the amount he requested.

Plaintiff has now moved to amend so that payment of the award is made in the care of his attorney. In support of his motion, plaintiff states that he signed an agreement assigning any EAJA fee to his attorney. (*See* Pl.'s Ex. 1.)

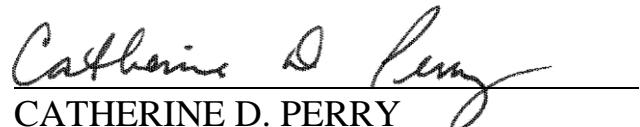
Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2524 (2010), the EAJA fee is payable to plaintiff so that it may be used to offset any preexisting debt plaintiff may have to the United States. Defendant's response to plaintiff's request for attorney fees did not make clear whether plaintiff has any preexisting debt that

would offset the award. As such, I cannot order defendant to pay any party other than the plaintiff.

Plaintiff also requests that the payment be mailed to plaintiff's attorney's address in accordance with the applicable fee agreement. I will grant this request.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's first motion to amend/correct order of attorney fees [#17] is granted in part and denied in part. Defendant shall pay plaintiff \$2295.00 in attorney fees. The payment shall be mailed to plaintiff, c/o David Throesch, 210 E. Everett Street, Pocahontas, Arkansas, 72455.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of December, 2013.