

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MARVIN GARRETT,)	
)	
Plaintiff,)	
)	
v.)	No. 1:14 CV 73 JMB
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Application for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (ECF No. 23). Defendant has filed a Response to Plaintiff's Motion. (ECF No. 24)

In EAJA actions, the district court has the authority to award reasonable and necessary expenses associated with adjudicating a claim for social security benefits. Kelly v. Bowen, 862 F.2d 1333, 1335 (8th Cir. 1988). The Court finds that Plaintiff is entitled to EAJA fees in the amount of \$2,072.31, payable to the Plaintiff as the prevailing party. Astrue v. Ratliff, 560 U.S. 586, 130 S. Ct. 2521, 2527 (2010) (holding that EAJA fees are payable to the prevailing party and may be subject to offset to satisfy any pre-existing debt owed to the United States).

On September 18, 2015, the undersigned reversed and remanded the instant cause for further proceedings. (ECF No. 21) Plaintiff now seeks attorney's fees in the amount of \$4,500.00, which represents 24 hours of attorney work at \$187.50 per hour. Defendant filed a response to Plaintiff's motion stating no objection to an award of EAJA fees in the amount of \$4,500.00. The undersigned notes any award of attorney's fees is subject to offset to satisfy any pre-existing debt he owes to the United States. Id. Plaintiff executed a fee agreement assigning

any fee under the EAJA to his attorney. See ECF No. 23-3, Plaintiff's Affidavit and Assignment of EAJA Fee. Accordingly, for good cause shown,

IT IS HEREBY ORDERED that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act (ECF No. 23) is **GRANTED** in the amount of \$4,500.00. The award is made payable to Plaintiff's counsel, based on the assignment, is subject to offset for any debt he owes the United States, and is to be mailed to Plaintiff's attorney.

Dated this 18th day of December, 2015.

/s/ John M. Bodenhause
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE