

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CYNTHIA S. GREEN,)
)
 Plaintiff,)
)
 v.) Case No. 4:12CV2358 SNLJ (LMB)
)
 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 #20), filed April 15, 2014. Defendant filed a response on April 28, 2014.

This Court ordered (ECF #19) that the report and recommendation of United States Magistrate Lewis M. Blanton, filed January 30, 2014 (ECF #18), be sustained, adopted, and incorporated in this Court's Order and Judgment of February 14, 2014. Plaintiff now seeks an award of attorney's fees in the amount of \$3,402.64, representing 2.2 hours of attorney work in 2012 at \$184.32 per hour, 14.2 hours of attorney work in 2013 at \$187.02 per hour, and 1.8 hours of attorney work in 2014 at \$189.70 per hour and requests that the attorney's fees be paid directly to plaintiff's attorneys. Plaintiff also requests reimbursement of the \$350.00 filing fee. Defendant has no objection to payment of the attorney's fees in the requested amount of \$3,402.64 and the defendant agrees that plaintiff should be compensated for the filing fee of \$350.00 from the Judgment Fund

administered by the United States Treasury. However, defendant requests that the Court enter an order awarding the attorney's fees to plaintiff rather than plaintiff's attorneys in accordance with *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010).

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 amount requested. Plaintiff has submitted an affidavit assigning any award of attorney's fees under the EAJA to her counsel of record. 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's attorneys, subject to any pre-existing debt plaintiff owes to the United States. The Court also finds reimbursement of the filing fee of \$350.00 to be proper and will direct the defendant to pay the cost from the Judgment Fund administered by the United States Treasury.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (#20) is **GRANTED** and plaintiff is awarded attorney's fees in the amount of \$3,402.64 and reimbursement of the \$350.00 filing fee from the Judgment Fund administered by the United States Treasury.

IT IS FURTHER ORDERD that defendant shall pay attorney's fees in the amount of \$3,402.64 and costs of \$350.00, paid directly to plaintiff's attorneys, Steve

Wolf of The Law Office of Steve Wolf, LC, subject to any pre-existing debt that the plaintiff owes to the United States. The payment shall be mailed to plaintiff's attorney, Steve Wolf, The Law Office of Steve Wolf, LC, 11939 Manchester #211, St. Louis, Missouri 63131.

Dated this 29th day of April, 2014.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE