

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEVIN RHONE,)
)
Plaintiff,)
)
v.) No. 4:14CV655 CDP
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff Kevin Rhone prevailed on his appeal for judicial review of an adverse decision of the Social Security Administration and now requests attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$4,264.25. The Commissioner does not object to plaintiff's request for fees and asks that I order payment in the amount requested. I will grant the request.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. In a Memorandum, Order and Judgment entered July 9, 2015, I reversed the Commissioner's decision and remanded the matter to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of attorney's fees inasmuch as he is a prevailing party, has a net worth of less than two million dollars, and incurred these fees in this action. 28 U.S.C. § 2412(d). The

Commissioner does not oppose plaintiff's motion, but requests that any award be made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the requested fees and the Commissioner's requested terms of payment to be reasonable.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Application for Attorney's Fees Under the Equal Access to Justice Act [ECF #18] is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees in the amount of Four Thousand, Two Hundred Sixty-Four and 25/100 Dollars (\$4,264.25).

IT IS FURTHER ORDERED that the award shall be made payable to The Law Offices of Daniel A. Parmele, P.C., pursuant to the Affidavit and Assignment of EAJA Fee executed by the plaintiff in this case (*see* ECF #18-3) unless plaintiff has a pre-existing debt owed to the United States, in which case the award shall be made payable to the plaintiff and shall be subject to offset to satisfy such debt.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 9th day of October, 2015.