

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

SHAWNA K. (PIDGEON) KRAUSE,

Plaintiff,

vs.

CAROLYN W. COLVIN, Commissioner
of Social Security,

Defendant.

CV 16-20-BU-JCL

ORDER

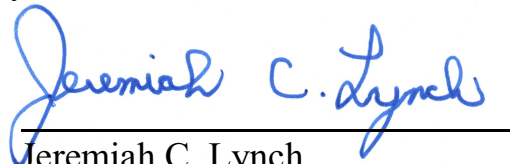
Plaintiff Shawna Kay (Pidgeon) Krause ("Krause"), by and through her attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412 et seq., for attorney fees and costs incurred in prosecuting her Social Security appeal. She requests \$5,416.71 in fees and \$400.00 in costs. Costs are not paid by agency funds, but rather by the Judgment Fund. Defendant Commissioner of Social Security ("Commissioner") does not object to Krause's application for fees and costs in this amount.

Accordingly, IT IS ORDERED that Defendant shall pay Plaintiff attorney fees of \$5,416.71, as well as costs of \$400.00, under the EAJA.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee

order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney. However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 1st day of March, 2017



Jeremiah C. Lynch
United States Magistrate Judge