

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:15-CV-137-D

SONYA JONES COX,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,


Defendant.

ORDER

On November 30, 2016, plaintiff filed a motion for attorney fees under the Equal Access to Justice Act (“EAJA”) [D.E. 29] and a supporting memorandum [D.E. 30]. On December 20, 2016, defendant responded in opposition [D.E. 31]. On December 29, 2016, plaintiff replied [D.E. 32].

Having reviewed the record and governing law, the finds that plaintiff should be awarded \$5,146.74 in attorney’s fees under the EAJA. See 28 U.S.C. § 2412(d). Thus, the court GRANTS plaintiff’s motion for attorney fees under the EAJA [D.E. 29]. The fee award is subject to offset of any debt plaintiff may owe to the United States. See Astrue v. Ratliff, 130 S. Ct. 2521, 2525–29 (2010). The Acting Commissioner will determine whether plaintiff owes a debt to the United States. If so, the debt will be satisfied first. If any funds remain, they will be made payable to plaintiff and mailed to plaintiff’s counsel. If the United States Department of the Treasury reports to the Acting Commissioner that plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to plaintiff’s counsel. Plaintiff shall not file any additional petition pursuant to 28 U.S.C. § 2412(d).

SO ORDERED. This 24 day of January 2017.



JAMES C. DEVER III
Chief United States District Judge