

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-cv-00357-BO

MICHAEL ANTHONY)
STRICKLAND,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Acting Commissioner)
of Social Security,)
)
Defendant.)

CONSENT ORDER FOR PAYMENT
OF FEES AND COSTS PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT

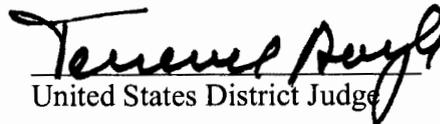
This matter being submitted to the Court for entry of a Consent Order agreed to by the parties, and it appearing that Plaintiff, by and through his attorney, has executed this Consent Order, and Defendant has executed this Consent Order, by and through the undersigned Special Assistant United States Attorney; and it appearing that the parties have agreed to an award to the Plaintiff of \$4,550.00 for attorney fees in full and final settlement of all claims arising from the above captioned case pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d); and it appearing further that Plaintiff has assigned his right to payment of such fees and costs to his attorney; and

Pursuant to *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. 2521, 130 S. Ct. 2521, 177 L. Ed. 2d 91 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. Defendant will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and 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 Commissioner that Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees to Plaintiff's counsel.

It is therefore ORDERED, this 25 day of November, 2014, that Plaintiff shall be, and hereby is, awarded the sum of \$ 4,550.00 in full satisfaction of any and all claims against Defendant arising under the EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sum, Defendant shall be discharged from any further liability for fees, costs, or expenses up until this point in time; and it is further

ORDERED, that payment of such amounts shall be made directly to Plaintiff's attorney.


United States District Judge

CONSENTED TO:

/s/ R. DAVID WICKER, JR.

R. DAVID WICKER, JR.
Roberti, Wittenberg, Lauffer, Wicker & Cinski, P.A.
100 E. Parrish St., Suite 200
P.O. Box 1852
Durham, NC 27702

/s/ Leo R. Montenegro

LEO R. MONTENEGRO
Special Assistant United States Attorney
Room 655, Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235
Telephone: (410) 965-3153
New York Bar

CERTIFICATE OF SERVICE

I do hereby certify that I have this 21st day of November, 2014, served a copy of the foregoing upon the below-listed parties electronically and/or by placing a copy of the same in the U.S. Mail, addressed as follows:

R. David Wicker, Jr.
Roberti, Wittenberg, Lauffer, Wicker & Cinski, P.A.
100 E. Parrish St., Suite 200
P.O. Box 1852
Durham, NC 27702

By: /s/ Leo R. Montenegro
LEO R. MONTENEGRO
Attorney for Defendant
Special Assistant United States Attorney
Social Security Administration
Office of the General Counsel
Room 655, Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235
Telephone: (410) 965-3153
Facsimile: (410) 597-0527
E-mail: Leo.R.Montenegro@ssa.gov
New York Bar