

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:09cv471

TAMMY SMITH,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion For Attorney's Fees under the Equal Access to Justice Act and the Social Security Act [Doc. 18] and the Defendant's Consent Motion for Entry of Order Accepting the Parties' Settlement Agreement on Attorney's Fees [Doc. 21].

The parties agree the appropriate award of attorney's fees is the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) in full satisfaction of any and all claims by the Plaintiff in this case pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). Attached to the Plaintiff's motion is a copy an assignment of awarded EAJA fees by the Plaintiff to her attorney. [Doc. 18-1]. The Court finds that the Commissioner

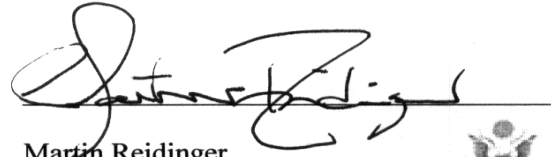
should accept this assignment of the awarded fees by the Plaintiff to her attorney and shall pay that award of fees directly to Plaintiff's counsel provided it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government which is subject to offset. Astrue v. Ratliff, ___ U.S. ___, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010).

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion For Attorney's Fees under the Equal Access to Justice Act and the Social Security Act [Doc. 18] is hereby **GRANTED** in part and the Defendant's Consent Motion for Entry of Order Accepting the Parties' Settlement Agreement on Attorney's Fees [Doc. 21] is hereby **GRANTED** and the Plaintiff is hereby awarded attorney's fees in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. §2412(d).

IT IS FURTHER ORDERED that the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later that thirty (30) days from entry of this Order.

IT IS FURTHER ORDERED that no additional Petition pursuant to 28
U.S.C. §2412(d) may be filed.

Signed: March 5, 2012


Martin Reiding
United States District Judge

