

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO.1:10cv194**

KATHY OWEN,)	
)	
Plaintiff,)	
)	<u>MEMORANDUM OF</u>
vs.)	<u>DECISION AND ORDER</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	
_____)	

THIS MATTER is before the court on Plaintiff's Application for Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 [Doc. 16], Defendant's unopposed Motion for Extension of Time [Doc. 17], and the parties' Stipulation for Payment of Attorney Fees. [Doc. 18].

The Court has considered the stipulation and motions, and reviewed the pleadings. The total requested fee, \$2547.62 is reasonable, and shall be allowed.

Defendant agrees that if a fee is allowed,

“the Commissioner will determine within thirty days 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. The parties further agree

that an order awarding EAJA fees should also provide that if the United States Department of the Treasury reports to the Commissioner that the 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 directly to Plaintiff's counsel."

[Doc. 18 p. 1-2].

It appearing that no objection is interposed to any aspect of these filings, the court enters the following Order.

IT IS, THEREFORE, ORDERED that Plaintiff's Application for Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 [Doc. 16] is **GRANTED**, Defendant's unopposed Motion for Extension of Time [Doc. 17] is **ALLOWED** *nunc pro tunc*, and the parties' Stipulation for Payment of Attorney Fees [Doc. 18] is **ACCEPTED**, and

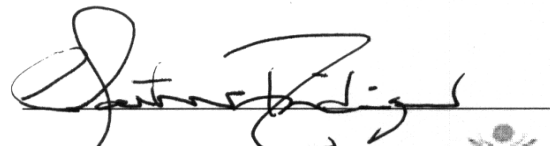
- (1) The Plaintiff is hereby awarded \$2,547.62 for attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).
- (2) Defendant shall inform Plaintiff's counsel whether Plaintiff does owe a debt to the government by which this fee award may be offset no later than 30 days from the entry of this Order.

(3) Within 120 days from the entry of this Order, Defendant shall distribute the sums awarded herein in the manner set out in his Stipulation. [Doc. 18]. Extensions to this deadline may be granted for good cause shown.

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

IT IS SO ORDERED.

Signed: September 26, 2011


Martin Reidinger
United States District Judge

