

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

CIVIL CASE NO. 1:10cv285

JOHN R. CARUSO, )  
 )  
 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. [Doc. 24]. The Defendant has responded. [Doc. 27].

The parties agree the appropriate award of attorney's fees is the amount of Four Thousand One Hundred Twelve Dollars and Fifty Cents (\$4,112.50) in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. §2412(d). The Court finds that the Commissioner should accept an assignment of the awarded fees by the Plaintiff to her attorney and upon receipt of such assignment, the Commissioner will pay that award of fees directly to Plaintiff's counsel provided that it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government

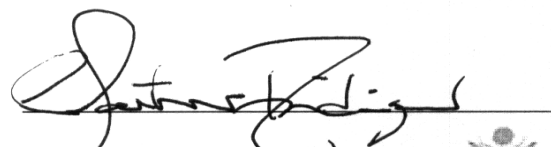
which is subject to offset. Astrue v. Ratliff, \_\_\_ U.S. \_\_\_, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010).

**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. 24] is hereby **GRANTED** and the Plaintiff is hereby awarded attorney's fees in the amount of Four Thousand One Hundred Twelve Dollars and Fifty Cents (\$4,112.50) 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. Within the same time period, the Plaintiff shall provide any valid fee assignment to the Defendant.

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

Signed: January 6, 2012

  
Martin Reidinger  
United States District Judge

