

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

CIVIL CASE NO. 1:11cv183

TAMARA GOODE on behalf of)
C.D.G.,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion For Payment of Attorney's Fees [Doc. 7].

The parties agree the appropriate award of attorney's fees is the amount of Six Hundred Sixty-Seven Dollars and Fifty Cents (\$667.50) together with reimbursement for the cost of the filing fee in the amount of Three Hundred Fifty Dollars (350.00) aa well as the cost of the mailing fee in the amount of Seventeen Dollars and Thirty-Seven Cents (\$17.37). These sums are in full satisfaction of any and all claims by the Plaintiff for attorney's fees 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 Payment of Attorney's Fees [Doc. 7] is hereby **GRANTED** and the Plaintiff is hereby awarded attorney's fees in the amount of Six Hundred Sixty-Seven Dollars and Fifty Cents (\$667.50), which sum is in full satisfaction of any and all claims by the Plaintiff for attorney's fees pursuant to 28 U.S.C. §2412(d). The Plaintiff is further awarded reimbursement for the cost of the filing fee in the amount of Three Hundred Fifty Dollars (\$350.00), which amount is to be certified by the Office of the United States Attorney to the Department of Treasury for payment from the Judgment Fund. The Plaintiff is also awarded reimbursement for the cost of the mailing fee in the amount of Seventeen Dollars and Thirty-Seven Cents (\$17.37).

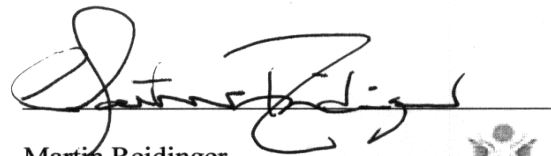
IT IS FURTHER ORDERED that the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. Within the same time period, the Plaintiff shall provide any valid

fee assignment to the Defendant.

IT IS FURTHER ORDERED that in the event past-due benefits are awarded on remand, the Plaintiff shall have sixty (60) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. §406(b).

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

Signed: November 28, 2011


Martin Reidinger
United States District Judge

