

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:16-CV-109-MOC-DCK**

VIOLET E. MARLOWE,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
NANCY A. BERRYHILL ,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
<hr/>)	

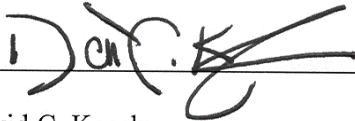
THIS MATTER IS BEFORE THE COURT on the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. §2412(d)(1)(A)” (Document No. 18) filed September 9, 2017. This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B). Having carefully considered the motion and the record, and noting consent of Defendant’s counsel, the undersigned will grant the motion that Plaintiff should be awarded an attorney’s fee under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$4,480.00.

IT IS, THEREFORE, ORDERED that the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. §2412(d)(1)(A)” (Document No. 18) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$4,480.00, and that pursuant to Comm’r of Soc. Sec. v. Ratliff, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner 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 the Plaintiff does not owe a

federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: September 11, 2017



David C. Keesler
United States Magistrate Judge

