

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:16-CV-399-GCM-DCK**

LINDA S. JOHNSTON,)

Plaintiff,)

v.)

NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)

Defendant.)

ORDER

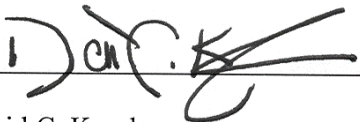
THIS MATTER IS BEFORE THE COURT on the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)” (Document No. 14) filed October 4, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and noting consent of the parties, the undersigned will grant the motion.

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. 14) is **GRANTED**, and 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 \$4,991.10.

IT IS FURTHER ORDERED that to the extent the Court will award attorney fees in the amount of \$4,991.10, 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, those funds 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.

Signed: October 4, 2017



David C. Keesler
United States Magistrate Judge

