

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL ACTION NO. 2:13-CV-00006-FDW**

MYRA CURTIS TEESATESKEE,)
)
 Plaintiff,)
)
 vs.)
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
 Defendant.)
)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Attorneys’ Fees (Doc. No. 22), and Defendant’s Response to that motion, which is entitled “Consent Motion for Entry of an Order Accepting the Parties’ Settlement Agreement on Attorney Fees.” (Doc. No. 26). For the reasons stated in the consent motion contained in Defendant’s response (Doc. No. 26) and subject to the stipulations stated therein, Plaintiff’s motion (Doc. No. 22) is GRANTED.

IT IS THEREFORE ORDERED that the payment of six thousand two hundred fifty dollars (\$6,250.00) to Plaintiff provides for full settlement in satisfaction of any and all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

With respect to Plaintiff’s assignment of EAJA fees to her attorney, the Commissioner states and Plaintiff acknowledges that, pursuant to the United States Supreme Court’s ruling in Astrue v. Ratliff, 130 S.Ct. 1251 (2010), these attorney fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department’s Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that

would subject this award of attorney fees to offset, the Commissioner may honor a signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel. However, in this instance any remaining fees made payable to Plaintiff shall be sent to her counsel.

IT IS SO ORDERED.

Signed: August 13, 2014

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

