

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-297-RJC-DCK**

SHERRY L. FUTRELL,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of)
 Social Security Administration,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT on the “Joint Motion For Attorney Fees Under The Equal Access To Justice” (Document No. 19) filed April 2, 2013. 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 applicable authority, and noting consent of the parties, the undersigned will grant the motion.

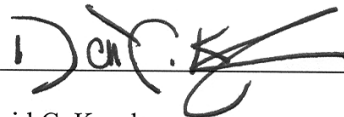
IT IS, THEREFORE, ORDERED that the “Joint Motion For Attorney Fees Under The Equal Access To Justice” (Document No. 19) is **GRANTED**.

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney’s fees in the amount of five thousand, two hundred, thirty six dollars, and seventy three cents (\$5,236.73) in full satisfaction of any and all attorney’s fee claims Plaintiff may have in this case under the Equal Access To Justice Act (“EAJA”), 28 U.S.C. § 2412(d). Pursuant to the United States Supreme Court’s ruling in Astrue v. Ratliff, 560 U.S. ----, 130 S. Ct. 2521 (2010), these attorney’s 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 the Court’s EAJA 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 Plaintiff's March 22, 2012 signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to counsel.

SO ORDERED.

Signed: April 3, 2013



David C. Keesler
United States Magistrate Judge

