

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-CV-00172-FDW

SONJI M. BRINKLEY,)
)
 Plaintiff,)
)
 vs.)
)
 NANCY A. BERRYHILL¹,)
 Commissioner of Social Security,)
)
 Defendant.)
)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Consent Motion for Attorney Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A). (Doc. No. 16). Having reviewed the motion, supporting materials, memorandum in support, and the case file, the Court **GRANTS** Plaintiff’s motion. (Doc. No. 16).

IT IS HEREBY ORDERED that the Court will award attorney fees in the amount of \$4,992.00, in full satisfaction of any and all claims Plaintiff may have in this case under the EAJA. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.


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 Plaintiff does not

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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.

IT IS SO ORDERED.

Signed: April 17, 2017



Frank D. Whitney
Chief United States District Judge

