

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION FILE NO. 5:14-cv-00184-GCM**

DAVID E. PRESNELL,)
Plaintiff,)
)
vs.)
)
CAROLYN W COLVIN,)
Acting Commissioner,)
Social Security Administration,)
Defendant.)

ORDER

THIS MATTER HAVING COME BEFORE THE COURT on plaintiff's motion for Attorney's fee under 28 U.S.C.A. § 2412, the Equal Access to Justice Act (Doc. No. 19), by consent of the parties, the Court orders as follows:

1. That the Social Security Administration shall pay \$3,839.21 in attorney fees to the plaintiff, David E. Presnell, in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).
2. With respect to Plaintiff's signed assignment of EAJA fees to his attorney, in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), 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 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 the assignment of EAJA fees, and pay the awarded fees

directly to Plaintiff's counsel.

SO ORDERED.

Signed: July 9, 2015

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

