

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:17-CV-00013-RJC-DSC**

TROY O. MILLER,)
)
 Plaintiff,)
)
 v.)
)
 NANCY A. BERRYHILL,)
)
 Defendant.)

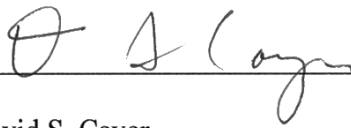
ORDER

This action is submitted to the Court for entry of a Consent Order, the Parties having agreed that Plaintiff Troy O. Miller be awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of \$4,083.15 in full and final settlement of attorney fees and costs arising under the EAJA, 28 U.S.C. § 2412(d). Pursuant to the United States Supreme Court’s ruling in Astrue v Ratliff, 130 S. Ct. 2521 (2010), these EAJA 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 federal government. If, subsequent to entry of the Consent 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 assignment of EAJA fees to his counsel. If such a debt is owing, then any remaining fee after offset will be payable to Plaintiff and delivered to Plaintiff’s counsel.

It is therefore ORDERED that the Commissioner pay the sum of \$4,083.15 in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sums this case is dismissed with prejudice.

SO ORDERED.

Signed: May 2, 2018



David S. Cayer
United States Magistrate Judge

