

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Roxanne Moon,¹)	
Plaintiff,)	
)	Civil Action No.: 3:20-cv-00338
v.)	
)	
Kilolo Kijakazi,)	Magistrate Judge Peter B. Silvain, Jr.
Acting Commissioner of Social)	
Security,²)	
Defendant.)	

ORDER

This cause coming before the Court on the joint motion of the parties, due notice having been given, and the Court being fully advised,

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Act is accepted and the Commissioner shall pay Plaintiff's attorney fees in the amount of \$3,300.00 and costs in the amount of \$0, for a total award of \$3,300.00;
2. Counsel for the parties shall verify whether or not Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, [560 U.S. 586](#) (2010). If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff; and
3. The case remains terminated on the docket of this Court.

¹ On October 18, 2021, Plaintiff's Counsel filed a Suggestion of Death, informing the Court of Plaintiff Tiffney Moon's death on September 5, 2021 and substituting Roxanne Moon, Mother of Plaintiff, as the interested party. See Document 19.

² Kilolo Kijakazi is now the Acting Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 USC 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

IT IS SO ORDERED.

November 18, 2021

s/Peter B. Silvain, Jr.
Peter B. Silvain, Jr.
United States Magistrate Judge