

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES MICHAEL DARR, JR.,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social
Security,

Defendant.

Case No. 3:16-cv-01941-CL

ORDER

MARK D. CLARKE, Magistrate Judge.

Before the Court is Plaintiff's Motion for Attorney's Fees (#27) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Based on the pleadings as well as the position of the defendant commissioner, if any, and recognizing the Plaintiff's waiver of direct payment and assignment of EAJA to her counsel, Plaintiff is hereby awarded attorney fees, expense, and costs in the total amount of \$6,135.71 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). *See Astrue v. Ratliff*, 130 S.Ct. 2521 (2010).

The Court hereby awards EAJA fees, broken down as follows:

1. Plaintiff is awarded in the amount of \$6,118.47 for attorney's fees under 28 U.S.C. § 2412(d);

2. Plaintiff is awarded \$17.24 in expenses.

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees, expenses, and costs are not subject to offset allowed under the Department of the Treasury's Offset Program (TOPS), then the check for EAJA fees, expenses, and costs shall be made payable to Plaintiff's attorney, Howard D. Olinsky.

Whether the check is made payable to Plaintiff or to Howard D. Olinsky, the check shall be mailed to Mr. Olinsky at the following address:

300 South State Street
Suite 420
Syracuse, NY 13202

IT IS SO ORDERED.

DATED this 7 day of March, 2019.



MARK D. CLARKE
United States Magistrate Judge