

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

| | | |
|---------------------------------|---|-------------------------------------|
| David Roy Hill, |) | |
| |) | Civil Action No.: 0:15-cv-05091-JMC |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Nancy A. Berryhill, Acting |) | |
| Commissioner of Social Security |) | |
| Administration, ¹ |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on motion of Plaintiff, through his attorney, Beatrice E. Whitten (“Counsel”), for an award of attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). (ECF No. 38.) In a Joint Stipulation, filed on September 13, 2017, the parties agreed that Plaintiff would be awarded \$5,500.00 in attorney’s fees. (ECF No. 39 at 1.) After reviewing Plaintiff’s Motion and the Joint Stipulation, the court finds that the stipulated request for fees is reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s counsel. The amount of attorney’s fees payable to Plaintiff will be the balance of stipulated attorney’s fees remaining after subtracting the amount of Plaintiff’s outstanding federal debt. If Plaintiff’s outstanding federal debt exceeds the amount of

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn Colvin as the named defendant because she became the Acting Commissioner of Social Security on January 23, 2017.

attorney's fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid. (*See* ECF No. 24.)

After a thorough review of the record and the parties' Joint Stipulation (ECF No. 39), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 38), and Plaintiff shall be awarded \$5,500.00 in attorney's fees.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

September 13, 2017
Columbia, South Carolina