

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

Earl Wayne Fuqua,)
)
Plaintiff,)
)
v.)
)
Nancy A. Berryhill,)
Acting Commissioner of)
Social Security Administration,)
)
Defendant.)
_____)

Civil Action No.: 1:17-cv-00699-JMC

AMENDED ORDER

This matter is before the court on Plaintiff’s Motion for Attorney’s Fees and Costs Pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). (ECF No. 17.) Defendant responded to Plaintiff’s Motion and the parties agreed to a stipulation that Plaintiff should be awarded three thousand nine hundred dollars (\$3,900.00) in attorney fees and three hundred fifty dollars (\$350.00) in costs.¹ (ECF No. 18.) After reviewing Plaintiff’s Motion and Defendant’s Response, the court finds that the stipulated request for fees is reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B). 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 attorney’s

¹ Costs are paid from the Judgment Fund by the Department of the Treasury, if so ordered by the Court, pursuant to 31 U.S.C. § 1304. See 28 U.S.C. § 2412(c)(1).

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. 18 at 1-2.)

After a thorough review of Plaintiff's Motion and Defendant's Response, the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 17), and Plaintiff shall be awarded \$4,250.00 in attorney's fees and costs.

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

January 26, 2018
Columbia, South Carolina