

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

Thomas Franklin Queen, Jr.,)	
)	Civil Action No.: 4:16-cv-02321-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
Nancy A. Berryhill, Acting)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court on Plaintiff’s motion, through her attorney, Osborne Eugene Powell, Jr. (“Counsel”), for an award of \$4,456.69 in attorney’s fees and \$400.00 in costs¹ under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). (ECF No. 24.) In a Response, filed on September 19, 2017, Defendant agreed that Plaintiff should be awarded \$4,456.69 in attorney’s fees and \$400.00 in costs. (ECF No. 25.) After reviewing Plaintiff’s Motion and Defendant’s Response, the court finds that the 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 and are subject to 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 Counsel 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 fees under

¹ Plaintiff’s motion and supporting documents (ECF No. 24, 24-1, 24-2) all request \$350.00 in costs; however, under the District Court Miscellaneous Fee Schedule for the District of South Carolina, the filing fee for all civil cases is \$400.00 (including a \$50.00 administrative fee). In light of the filing fee and the Government’s approval of \$400.00 in costs, the court believes Plaintiff made a typographical error in his motion and meant to request \$400.00 in costs.

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. 25.)

After a thorough review of Plaintiff's Motion (ECF No. 24) and Defendant's Response (ECF No. 25), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 24), and Plaintiff shall be awarded \$4,456.69 in attorney's fees and \$400.00 in 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

October 27, 2017
Columbia, South Carolina