

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHNNY SCOTT WAGNER,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 2:16-CV-00825-DWC

ORDER ON MOTION FOR EQUAL
ACCESS TO JUSTICE ACT FEES
AND EXPENSES

Currently pending before the Court is Plaintiff's "Notice of Unopposed Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412" ("Motion"). Dkt. 21. This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and Local Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 17.

Plaintiff requests fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”). Dkt. 21. While Plaintiff titled the Motion as “unopposed,” there is no indication Defendant agreed to the fee award. *See* Dkt. 21, 22. However, Defendant has not filed a response

1 to the Motion and the time for filing a response has expired. Therefore, the Court concludes
2 Defendant does not object to Plaintiff's Motion.

3 Based on the EAJA, attorney time, costs, and expense itemizations (Dkt. 22), and the
4 relevant record, the Court orders EAJA attorney's fees of \$5,848.41 and expenses in the amount
5 of \$16.62, for a total of \$5,865.03 ("EAJA Award"), be awarded to Plaintiff. *Astrue v. Ratliff*,
6 560 U.S. 586, 591–97 (2010).

7 The Acting Commissioner is directed to contact the U.S. Department of Treasury after
8 this Order is entered to determine if the EAJA Award is subject to any offset. If the U.S.
9 Department of the Treasury verifies to the Office of General Counsel that Plaintiff does not owe
10 a debt and is not subject to any offset, the government shall pay the EAJA Award directly to Paul
11 B. Eaglin, Plaintiff's counsel. If there is an offset, any remainder shall be made payable to
12 Plaintiff, based on the Department of the Treasury's Offset Program and standard practices, and
13 the check shall be mailed to Plaintiff's counsel, Paul B. Eaglin, at 300 South State Street, Suite
14 420, Syracuse, NY 13202.

15 Dated this 24th day of January, 2017.

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17 David W. Christel
18 United States Magistrate Judge
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