

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHELLE RUPRECHT,

Plaintiff,

v.

NANCY BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

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ORDER

18-cv-2-jdp

Plaintiff Michelle Ruprecht has filed a motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$5,390.81 in full satisfaction of any claim for fees and costs in this case. Defendant Nancy Berryhill, Commissioner of the Social Security Administration, does not oppose Ruprecht's counsel's request. Accordingly, I am granting counsel's motion.

EAJA fees belong to Ruprecht as the prevailing party, not to her attorney. *Astrue v. Ratliff*, 560 U.S. 586 (2010). Accordingly, the EAJA award is subject to offset, to satisfy any pre-existing debt that plaintiff may owe the United States. *Id.* So long as the award is offset to satisfy any pre-existing debt, the prevailing party may assign the fee award directly to his attorney. *Mathews-Sheets v. Astrue*, 653 F.3d 560, 565 (7th Cir. 2011), *overruled on other grounds by Sprinkle v. Colvin*, 777 F.3d 421 (7th Cir. 2015).

After entry of this order, if counsel for the parties can verify that Ruprecht owes no pre-existing debt subject to offset, then the Commissioner will direct that \$5,390.81 be paid to Curtiss Lein, pursuant to the EAJA assignment signed by plaintiff and her counsel. Dkt. 17.

ORDER

IT IS ORDERED that plaintiff Michelle Ruprecht is awarded attorney fees and costs in the amount of \$5,390.81. This amount is to be made payable to Ruprecht's attorney, Curtiss Lein, contingent upon payment of money owed to the United States.

Entered: November 15, 2018.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge