

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

CAMERON ALLEN,

Plaintiff,

v.

NANCY BERRYHILL
Acting Commissioner of Social Security,

Defendant.

ORDER

18-cv-338-jdp

Plaintiff has filed a motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$4,966.20 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 plaintiff's counsel's request. Accordingly, I am granting plaintiff's counsel's motion.

EAJA fees belong to plaintiff as the prevailing party, not to his attorney. *See 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.* Provided that the award is offset to satisfy any pre-existing debt, the prevailing party may assign the fee award directly to his attorney. See *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 plaintiff owes no pre-existing debt subject to offset, then the Commissioner will direct that \$4,966.20 be paid to Dana Duncan, pursuant to the EAJA assignment signed by plaintiff and his counsel. Dkt. 20-1.

ORDER

IT IS ORDERED that plaintiff Cameron Allen is awarded attorney fees and costs in the amount of \$4,966.20. This amount is to be made payable to plaintiff's attorney, Dana Duncan, contingent upon payment of money owed to the United States.

Entered: December 10, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge