

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CLARENCE SMALLS,

Plaintiff,

v.

Case No. 8:17-cv-1050-T-AEP

NANCY A. BERRYHILL,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**

This cause comes before the Court on Plaintiff's Petition for Attorney Fees (Doc. 21). By the motion, Plaintiff seeks attorney's fees in the amount of \$8,973.62 and reimbursement of filing costs in the amount of \$400.00, pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On September 12, 2018, this Court entered an Order reversing and remanding the case under sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings (Doc. 19). The Clerk entered judgment in favor of Plaintiff thereafter (Doc. 20). Accordingly, as the prevailing party, Plaintiff now requests an award of fees. *See* 28 U.S.C. § 2412(d)(1)(A).

The Commissioner does not oppose the requested relief (Doc. 21). After issuance of an order awarding EAJA fees, however, the United States Department of the Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees (Doc. 21-2) and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

ORDERED:

1. Plaintiff's Petition for Attorney Fees (Doc. 21) is GRANTED.

2. Plaintiff is awarded fees in the amount of \$8,973.62 and reimbursement of filing costs in the amount of \$400.00. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees.

DONE AND ORDERED in Tampa, Florida, on this 28th day of November, 2018.

  
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ANTHONY E. PORCELLI  
United States Magistrate Judge

cc: Counsel of Record