

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOEY ROBERT MYSLINSKI,

Plaintiff,

v.

Case No. 8:17-cv-3104-T-36AEP

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Petition for Attorney Fees and Request for Oral Argument (Doc. 27). By the motion, Plaintiff seeks attorney's fees in the amount of \$8,309.25 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On February 6, 2019, the 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. 24). The Clerk entered judgment in favor of Plaintiff thereafter (Doc. 25). 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.¹ Therefore, oral argument is unnecessary. 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. 27) and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

¹ Although the motion indicates that the Commissioner opposes the requested relief, the Commissioner subsequently notified the Court telephonically that there is no opposition.

ORDERED:

1. Plaintiff's Petition for Attorney Fees and Request for Oral Argument (Doc. 27) is GRANTED.

2. Plaintiff is awarded fees in the amount of \$8,309.25. 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 14th day of November, 2019.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record