

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**JAMES ALEXANDER STOKELY,
JR.,**

Plaintiff,

v.

Case No.: 8:22-cv-02742-AAS

**MARTIN O'MALLEY,
Commissioner of the Social
Security Administration,¹**

Defendant.

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ORDER

James Alexander Stokely, Jr. moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 21). The Commissioner does not oppose the motion. (*Id.*, p. 3).

Mr. Stokely requests \$4,022.84 in attorney's fees and \$402.00 in costs. (*Id.*, p. 3). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. A January 31, 2024 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 19). The Clerk entered judgment in favor of Mr. Stokely. (Doc. 20).

¹ On December 20, 2023, Martin O'Malley became the Commissioner of the Social Security Administration.

The Commissioner does not contest the following: Mr. Stokely is the prevailing party; the Commissioner's position was not substantially justified; and Mr. Stokely's attorney's fees request is reasonable. (Doc. 21, pp. 6–7). A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Mr. Stokely is entitled to \$4,022.84 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether Mr. Stokely owes a debt to the United States. Mr. Stokely assigned his rights to EAJA fees to his attorney. (Doc. 21-1). So, if Mr. Stokely has no federal debt, the United States will accept his assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, it is **ORDERED** that Mr. Stokely's motion for attorney's fees and costs under the EAJA (Doc. 21) is **GRANTED**. Mr. Stokely is awarded **\$4,022.84** in attorney's fees and **\$402.00** in costs.

ORDERED in Tampa, Florida on March 8, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge