

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

MARIO JUAREZ,

Plaintiff,

v.

Case No.: 8:23-cv-51-AAS

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

Defendant.

_____ /

ORDER

Mario Juarez moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (Doc. 20). The Commissioner does not oppose the motion. (*Id.*, p. 7).

Mr. Juarez requests \$1,002.94 in attorney's fees and \$400.00 in filing costs. 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 March 31, 2023 order remanded the Commissioner's final decision under sentence six of 42 U.S.C. § 405(g) for further administrative proceedings. (Doc. 15). The Clerk of Court entered judgment in favor of Mr. Juarez (Doc. 18) after an August 29, 2024 order affirming a subsequent ALJ decision (Doc. 17).

The Commissioner does not contest the following: Mr. Juarez is the prevailing party; the Commissioner's position was not substantially justified;

and Mr. Juarez's attorney's fees and costs request is reasonable. (Doc. 20, pp. 1–3). 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. Juarez is entitled to \$1,002.94 in attorney's fees and \$400.00 in filing costs.

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. Juarez owes a debt to the United States. Mr. Juarez assigned his rights to EAJA fees to his attorney. (Doc. 20-2). So, if Mr. Juarez 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. Juarez's motion for attorney's fees and costs under the EAJA (Doc. 20) is **GRANTED**. Mr. Juarez is awarded **\$1,002.94** in attorney's fees and **\$400.00** in costs.

ORDERED in Tampa, Florida, on December 2, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge