

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHELE SANTORO,

Plaintiff,

v.

Case No.: 8:23-cv-00345-AAS

MARTIN O'MALLEY,
Commissioner of Social Security
Administration,

Defendant.

ORDER

Plaintiff Michele Santoro moves for attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 18). The Commissioner does not oppose the motion. (*Id.*, p. 2).

Ms. Santoro requests \$6,961.43 in attorney's fees. (*Id.*, p. 1). The EAJA permits awards for reasonable attorney's fees to a prevailing party against the United States. 28 U.S.C. § 2412. A July, 12, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 16). The Clerk entered judgment in favor of Ms. Santoro. (Doc. 17).

The Commissioner does not contest the following: Ms. Santoro is the prevailing party; the Commissioner's position was not substantially justified; and Ms. Santoro's attorney's fees request is reasonable. (Doc. 18, pp. 1–2). 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, Ms. Santoro is entitled to \$6,961.43 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 Ms. Santoro owes a debt to the United States. Ms. Santoro assigned her rights to EAJA fees to her attorney. (Doc. 18-2). If Ms. Santoro has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, it is **ORDERED** that Ms. Santoro's motion for attorney's fees under the EAJA (Doc. 18) is **GRANTED**. Ms. Santoro is awarded **\$6,961.43** in attorney's fees.

ORDERED in Tampa, Florida on April 18, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge