

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

**MANDI WHITE,**

**Plaintiff,**

v.

**Case No. 8:23-cv-1245-VMC-AAS**

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

**Defendant.**

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**REPORT AND RECOMMENDATION**

Mandi White moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 32). The Commissioner does not oppose Ms. White's motion. (*Id.*, p. 2).

Ms. White requests \$3,118.90 in attorney's fees. 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 19, 2024 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 30). The Clerk entered judgment in Ms. White's favor. (Doc. 31).

The Commissioner does not contest the following: Ms. White is the prevailing party; Ms. White's net worth was less than \$2 million when she filed her complaint; the Commissioner's position was not substantially justified; and

Ms. White's attorney's fees request are reasonable. (Doc. 32, 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. White is entitled to \$3,118.90 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. White owes a debt to the United States. Ms. White assigned her rights to EAJA fees to her attorney. (Doc. 32-2). So, if Ms. White has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, the undersigned recommends Ms. White's motion for attorney's fees under the EAJA (Doc. 32) be **GRANTED**. Ms. White should be awarded **\$3,118.90** in attorney's fees.

**ENTERED** in Tampa, Florida on May 20, 2024.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge

## **NOTICE TO PARTIES**

The parties have fourteen days from the date they are served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1); 11th Cir. R. 3-1. A party's failure to object timely under 28 U.S.C. § 636(b)(1) waives that party's right to challenge on appeal the district court's order adopting this report's unobjected-to factual findings and legal conclusions. 11th Cir. R. 3-1.