

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

ANTHONY C. CARTER,

Plaintiff,

v.

Case No.: 8:23-cv-01775-AAS

**KILOLO KIJAKAZI,
Acting Commissioner of
Social Security Administration,**

Defendant.

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ORDER

Anthony Carter moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 14). The Commissioner does not oppose the motion. (*Id.* at 3).

Mr. Carter requests \$801.18 in attorney's fees and \$402.00 in costs. (*Id.* at 1). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. An October 11, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 12). The Clerk entered judgment in favor of Mr. Carter. (Doc. 13).

The Commissioner does not contest the following: Mr. Carter is the prevailing party; the Commissioner's position was not substantially justified; and Mr. Carter's attorney's fees request is reasonable. (Doc. 14, 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. Carter is entitled to \$801.18 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. Carter owes a debt to the United States. Mr. Carter assigned his rights to EAJA fees to his attorney. (Doc. 14). So, if Mr. Carter 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. Carter's motion for attorney's fees under the EAJA (Doc. 14) is **GRANTED**. Mr. Carter is awarded **\$801.18** in attorney's fees and **\$402.00** in costs.

ORDERED in Tampa, Florida on December 27, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge