

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

**DAVID S. GOGUEN,**

**Plaintiff,**

v.

**Case No.: 8:23-CV-2460-AAS**

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

**Defendant.**

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**ORDER**

David Goguen 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. 4).

Mr. Goguen requests \$3,888.00 in attorney's fees and \$405.00<sup>1</sup> in costs. (*Id.*). 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 April 15, 2024 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 18). The Clerk entered judgment in favor of Mr. Goguen. (Doc. 19).

The Commissioner does not contest the following: Mr. Goguen is the

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<sup>1</sup> On October 30, 2023, Mr. Liebenhaut paid a filing fee of \$402.00, which was the filing fee at the time. It has since increased to \$405.00. As such, an award of \$402.00 is appropriate.

prevailing party; the Commissioner's position was not substantially justified; and Mr. Goguen's attorney's fees request is reasonable. (Doc. 21, pp. 1–4). 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. Goguen is entitled to \$4,290.00 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. Goguen owes a debt to the United States. Mr. Goguen assigned his rights to EAJA fees to his attorney. (Doc. 21-3). So, if Mr. Goguen 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. Goguen's motion for attorney's fees and costs under the EAJA (Doc. 21) is **GRANTED**. Mr. Goguen is awarded **\$3,888.00** in attorney's fees and **\$402.00** in costs.

**ORDERED** in Tampa, Florida on May 7, 2024.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge