

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

**DOUGLAS HOUSE,**

**Plaintiff,**

v.

**Case No.: 8:23-CV-2562-AAS**

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

**Defendant.**

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**ORDER**

Douglas House moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 28). The Commissioner does not oppose the motion. (*Id.*, p. 1).

Mr. House requests \$6,855.00 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 May 22, 2024 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 25). The Clerk of Court entered judgment in favor of Mr. House. (Doc. 26).

The Commissioner does not contest the following: Mr. House is the prevailing party; the Commissioner's position was not substantially justified; and Mr. House's attorney's fees request is reasonable. (Doc. 28, pp. 2–4). 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. House is entitled to \$6,855.00 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. House owes a debt to the United States. Mr. House assigned his rights to EAJA fees to his attorney. (Doc. 28-1). So, if Mr. House 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. House's motion for attorney's fees under the EAJA (Doc. 28) is **GRANTED**. Mr. House is awarded **\$6,855.00**.

**ORDERED** in Tampa, Florida on June 10, 2024.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge