

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

**CHRISTOPHER WEBER,**

**Plaintiff,**

v.

**Case No.: 8:23-CV-2723-AAS**

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

**Defendant.**

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**ORDER**

Christopher Weber moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 24). The Commissioner does not oppose the motion. (*Id.*, p. 2).

Mr. Weber requests \$2,874.28 in attorney's fees and \$400.00 in filing costs. 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 28, 2024 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 21). The Clerk of Court entered judgment in favor of Mr. Weber. (Doc. 22).

The Commissioner does not contest the following: Mr. Weber is the prevailing party; the Commissioner's position was not substantially justified; and Mr. Weber's attorney's fees and costs request is reasonable. (Doc. 24, 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. Weber is entitled to \$2,874.28 in attorney’s fees and \$400.00 in filing costs.

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. Weber owes a debt to the United States. Mr. Weber assigned his rights to EAJA fees to his attorney. (Doc. 24-2). So, if Mr. Weber 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. Weber’s motion for attorney’s fees and costs under the EAJA (Doc. 24) is **GRANTED**. Mr. Weber is awarded **\$2,874.28** in attorney’s fees and **\$400.00** in costs.

**ORDERED** in Tampa, Florida, on December 12, 2024.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge