

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

POLLYANNA OSORIO,

Plaintiff,

v.

Case No. 8:23-CV-2960-AEP

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Unopposed Petition for Attorney Fees (Doc. 27). By the motion, Plaintiff seeks attorney's fees in the amount of \$3,852.76 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). On August 26, 2024, this Court entered an Order reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 24). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 25).

As the prevailing party, Plaintiff now requests an award of attorney's fees. *See* 28 U.S.C. § 2412(d)(1)(A); *cf. Shalala v. Schaefer*, 509 U.S. 292, 300–02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party), *superseded by rule on other grounds*, Fed. R. Civ. P. 58(c)(2)(B). After issuance of an order awarding EAJA fees, the United States Department of the Treasury will determine whether Plaintiff owes a debt to the

government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel.

The Commissioner does not oppose the requested relief (Doc. 27, ¶ 6). Additionally, Plaintiff's attorney filed an affidavit in support of the motion (Doc. 27, at 5–6), and Plaintiff assigned EAJA fees to Plaintiff's counsel (Doc. 27-2). Therefore, for the reasons set out in Plaintiff's motion and supported by the affidavit and Assignment of EAJA Fees, it is hereby

ORDERED:

1. Plaintiff's Unopposed Petition for Attorney Fees (Doc. 27) is GRANTED.

2. Plaintiff is awarded fees in the amount of \$3,852.76. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees and costs to Plaintiff's counsel in accordance with Plaintiff's assignment (Doc. 27, at 3).

DONE AND ORDERED in Tampa, Florida, on this 5th day of December 2024.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record