

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

RENA LOUISE PERCEFUL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16-CV-13-FHM
)	
NANCY A. BERRYHILL ¹ , Acting)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

OPINION AND ORDER

Plaintiff seeks an award of attorney fees in the amount of \$2,926.80 and costs in the amount of \$400.00 representing the filing fee under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [Dkt. 21]. The Commissioner and Plaintiff subsequently agreed and stipulated to the entry of an award of attorney fees in the amount of \$2,600.00 and costs in the amount of \$400.00. [Dkt. 22].

The undersigned finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the fee request, the undersigned finds that Plaintiff should be awarded EAJA fees in the amount of \$2,600.00 and costs in the amount of \$400.00. Pursuant to the Commissioner’s usual practice, the check should be made payable to Plaintiff and mailed to counsel’s address. If Plaintiff’s attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall

¹ Effective January 20, 2017, Nancy A. Berryhill has replaced Carolyn W. Colvin as Acting Commissioner of the Social Security Administration and should be substituted as the Defendant in this action pursuant to Fed. R. Civ. P. 25(d). No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Defendant's Stipulated Motion for Award Attorney's Fees Pursuant to the Equal Access to Justice Act, [Dkt. 22], is GRANTED as provided herein. As a result of the stipulated motion, Plaintiff's Motion for Costs and Attorney Fees Pursuant to the Equal Access to Justice Act, [Dkt. 21], is moot.

SO ORDERED this 10th day of February, 2017.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE