

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-00005-PAB

JAMES K. THOMAS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**ORDER APPROVING MOTION FOR ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

This matter is before the Court on plaintiff's Unopposed Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 22]. The Court has reviewed the pleading and is fully advised in the premises. It is

ORDERED that the Motion for Attorney Fees Under the Equal Access to Justice Act [Docket No. 22] is granted, and defendant is ordered to pay the amount of \$4,552.80 to plaintiff for attorney fees under the Equal Access to Justice Act ("EAJA").

It is further

ORDERED that payment of the \$4,552.80 shall constitute a complete release from and bar to any claims plaintiff may have relating to EAJA costs and fees in connection with this action. It is further

ORDERED that this award is without prejudice to the right of plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. It is further

ORDERED that the EAJA attorney fee award shall be made payable to plaintiff and mailed to plaintiff's attorney pursuant to *Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007).

DATED November 6, 2009.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge