

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

Civil Action No. 10-cv-02025-PAB

DORA CARBAJAL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,

Defendant.

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**ORDER**

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This matter comes before the Court on the Stipulated Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 22], filed by plaintiff Dora Carbajal and defendant Michael J. Astrue. The Court has reviewed the pleading and is fully advised of the premises.

Accordingly, it is

**ORDERED** that the Stipulated Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 22] is **GRANTED**.

Defendant is ordered to pay the amount of \$3,874.95 to plaintiff for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). 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). It is further

**ORDERED** that if it is determined upon effectuation of this Order that plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and the Commissioner agrees to accept the assignment, the fee awarded herein shall be made payable to plaintiff's attorney. If there is such a debt, any fee remaining after offset will be payable to plaintiff and delivered to plaintiff's attorney.

DATED November 8, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge