

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

Civil Action No. 12-cv-02232-PAB

PEGGY C. HARVEY,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

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**ORDER**

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This matter comes before the Court on the Stipulated Award of Fees Under the Equal Access to Justice Act (“EAJA”),<sup>1</sup> 28 U.S.C. § 2412 [Docket No. 30], filed by plaintiff Peggy Harvey and defendant Carolyn W. Colvin. The Court has reviewed the pleading and is fully advised of the premises.

Accordingly, it is

**ORDERED** that the Stipulated Award of Fees Under the Equal Access to Justice Act [Docket No. 30] is **GRANTED**. Defendant is ordered to pay the amount of \$6,000 to plaintiff for attorney’s fees under the EAJA, 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 § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. It is further

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<sup>1</sup>Although not explicitly labeled as such, the Court construes the parties’ stipulation as a motion for an award of attorney’s fees under the EAJA.

**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 award 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 February 4, 2015.

BY THE COURT:

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

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