

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

Civil Action No. 12-cv-03096-PAB

JAMES K. THOMAS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

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**ORDER**

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This matter comes before the Court on the Joint Stipulation for EAJA Fees [Docket No. 22] pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), filed by plaintiff James K. Thomas and defendant Carolyn W. Colvin. The Court has reviewed the pleading and is fully advised of the premises.

Accordingly, it is

**ORDERED** that the Joint Stipulation for EAJA Fees [Docket No. 22] is **GRANTED**. Defendant is ordered to pay the amount of \$5,000 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. However, this award bars any and all other claims plaintiff may have for EAJA fees related to this case. 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 June 3, 2014.

BY THE COURT:

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