

UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
**Judge John L. Kane**

Civil Action No. 12-cv-03132-JLK

Rebecca D. West,

Plaintiff,

v.

Carolyn W. Colvin, Commissioner of Social Security,

Defendant.

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**ORDER**

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Kane, J.

THIS MATTER is before the Court on the Plaintiff's Unopposed Motion for an Award of Attorney Fees under 42 U.S.C. § 406(b), filed on September 25, 2014. (Doc. 25).

The Unopposed Motion is **GRANTED**. Plaintiff's counsel is awarded an attorney's fee in the amount of **\$9,433** pursuant to 40 U.S.C. § 406(b). The fee shall be forwarded and made payable directly to Plaintiff's attorney, subject to EAJA's offset provisions as set forth below. *See* 28 U.S.C. § 2412(c)(1) (2006); *Manning v. Astrue*, 510 F.3d 1246, 1251-52 (10th Cir. 2007) ("Under § 406(b), the Commissioner must withhold and pay a reasonable attorney's fee directly to the attorney out of the claimant's past-due benefits, thus guaranteeing payment to the attorney and avoiding collection problems, but the amount of the attorney's fee that must be withheld and directly paid for the attorney is limited to a maximum of 25% of past-due benefits.").

Upon receipt of the § 406(b) fee, Plaintiff's counsel shall refund to the Plaintiff the previously paid fee pursuant to the Equal Access to Justice Act (EAJA) in the amount of \$6,500.

Dated February 19, 2015.

s/John L. Kane  
SENIOR U.S. DISTRICT JUDGE