

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Marcia S. Krieger**

**Civil Action No. 13-cv-01689-MSK**

**HEATH A. WARNER,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN, Acting Commissioner of Social Security,**

**Defendant.**

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**ORDER GRANTING MOTION FOR ATTORNEY FEES**

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**THIS MATTER** comes before the Court on Plaintiff Heath A. Warner's Motion for Attorney Fees (**#24**) pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, and the Commissioner's Response (**#27**).

Mr. Warner asserts that, pursuant to the EAJA, he should be awarded attorney fees in the amount of \$5,928. The Commissioner has agreed that an award of fees in this case is reasonable in the amount requested.

Accordingly, **IT IS ORDERED** that the Mr. Warner's Motion is **GRANTED**. Payment of Mr. Warner's attorney fees in the amount of \$5,928 shall be made to Mr. Warner directly,<sup>1</sup> in care of his attorney.

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<sup>1</sup> Mr. Warner has included with his Motion an agreement that assigns his rights to any attorney fees to his attorney. The Court declines to assign his awarded attorney fees to his attorney, as the EAJA makes it is clear that attorney's fees will be paid only to the "prevailing party." *Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007).

Dated this 16th day of April, 2015.

**BY THE COURT:**

*Marcia S. Krieger*

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Marcia S. Krieger  
Chief United States District Judge