

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

Civil Action No. 13-cv-01828-PAB

PAUL SMITH,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER

This matter is before the Court on plaintiff Paul Smith's Motion for Award of Attorneys' Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 [Docket No. 23]. Defendant indicates that she does not oppose plaintiff's motion or the relief sought therein, provided that any EAJA fees are awarded directly to plaintiff and not to his counsel. Docket No. 24 at 1. The Court has reviewed plaintiff's motion and is fully advised of the premises.

Accordingly, it is

ORDERED that plaintiff Paul Smith's Motion for Award of Attorneys' Fees Pursuant to the Equal Access to Justice Act [Docket No. 23] is **GRANTED**. Defendant is ordered to pay the amount of \$4,420.96 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

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 December 14, 2015.

BY THE COURT:

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