

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

Civil Action No. 13-cv-02530-PAB

TIMOTHY GENE FOLTZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER

This matter comes before the Court on the Joint Stipulation for Equal Access to Justice Act (“EAJA”) Fees,¹ 28 U.S.C. § 2412 [Docket No. 32], filed by plaintiff Timothy Gene Foltz 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. 32] is **GRANTED**. Defendant is ordered to pay the amount of \$4,750.00 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),

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

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 September 22, 2015.

BY THE COURT:

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