IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kirsten L. Mix

Civil Action No. **1:14-cv-00759-KLM**

MARSHALL L. DUNN, SR.,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER

Upon consideration of the parties' joint stipulation for fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 *et seq.*, IT IS HEREBY ORDERED:

1. Defendant ~~will~~ has agreed to pay ~~Plaintiff~~ a total of $4,250.00 in EAJA fees to plaintiff or his counsel as explained below.

2. If, after receiving the ~~Court's EAJA fee~~ this order, the Commissioner determines that Plaintiff has assigned his right to EAJA fees to his attorney and that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, then the Commissioner will agree to waive the requirements of the Anti-Assignment Act (31 U.S.C. § 3727(b)), and the EAJA fees will be made payable to Plaintiff's attorney. However, if ~~there is a debt owed~~ plaintiff owes a debt under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney at her office: Rachael A. Lundy, Esq.; Michael W. Seckar, P.C.; 402 West 12th Street; Pueblo, CO 81003.

KLM

3. Defendant's payment of this amount bars any and all claims Plaintiff may have relating to EAJA fees and expenses in connection with this action.

4. Defendant's payment of this amount is without prejudice to Plaintiff's counsel's right to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

5. This Order will not be used as precedent in any future cases, and ~~should~~ may not be construed as a concession that the Commissioner's administrative decision denying benefits to Plaintiff was not substantially justified. KLM

DATED this 28th day of July, 2015.

BY THE COURT:

Kirsten L. Mix
United States Magistrate Judge