

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 14-cv-02986-REB

JOSEPH GABRIEL SANCHEZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

**ORDER GRANTING MOTION FOR ORDER APPROVING STIPULATION
OF AWARD OF ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Blackburn, J.

The matter before me is the parties' **Motion for Order Approving Stipulation of Award of Attorney Fees Under the Equal Access to Justice Act** [#16],¹ filed April 11, 2016. As indicated by the title of the document, the parties have reached agreement as to the amount of attorney fees to be awarded to plaintiff² under the EAJA. After due consideration, I approve the proposed stipulation and award attorney fees in the amount stipulated, payable to plaintiff. **See *Manning v. Astrue***, 510 F.3d 1246, 1249-55 (10th Cir. 2007), ***cert. denied***, 129 S.Ct. 486 (2008).³

¹ "[#16]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

² Because the original claimant, Joseph Gabriel Sanchez, is deceased, "plaintiff" in this instance is used to indicate Mr. Sanchez's personal representative, his daughter, Marissa Sanchez. (**See Order Reversing Disability Decision and Remanding to Commissioner** at 1 n.2 [#13], filed March 25, 2016.)

³ In ***Manning***, the Tenth Circuit held the plain language, structure, and history of the EAJA preclude an award of fees to anyone other than the prevailing party. Thus, even if plaintiff (either Mr. Sanchez initially or his daughter subsequently) assigned the right to EAJA fees to the attorney, I cannot direct the fee award be paid directly to anyone other than plaintiff.

THEREFORE, IT IS ORDERED as follows:

1. That the parties' **Motion for Order Approving Stipulation of Award of Attorney Fees Under the Equal Access to Justice Act** [#16], filed April 11, 2016, is approved; and

2. That pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), plaintiff is awarded attorney fees totaling \$7,500.00.

Dated April 11, 2016, at Denver, Colorado.

BY THE COURT:

s/Robert E. Blackburn
Robert E. Blackburn
United States District Judge