

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PAULA PURLEY,

Plaintiff,

v.

No. CIV-14-0895 MV/LAM

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

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' *Proposed Findings and Recommended Disposition* (Doc. 37) filed on August 15, 2016, which recommended granting Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 31). No party has filed objections to the *Proposed Findings and Recommended Disposition* (Doc. 37) and the deadline for filing objections has passed. The Court has determined that it will adopt the *Proposed Findings and Recommended Disposition* (Doc. 37) and grant Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 31).

IT IS THEREFORE ORDERED that the *Proposed Findings and Recommended Disposition* (Doc. 37) are **ADOPTED** by the Court.

IT IS FURTHER ORDERED that Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 31) is **GRANTED** and Plaintiff is authorized to receive **\$6,954.00** in attorney fees for payment to Plaintiff's attorney for

services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412, and in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

IT IS FURTHER ORDERED that, if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's attorney shall refund the smaller award to Plaintiff pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 596 n.4 (2010) (explaining that, if a claimant's counsel is ultimately granted attorney fees under § 406(b) out of the claimant's benefit award, the claimant's attorney must refund to the claimant the amount of the smaller fee).

IT IS SO ORDERED.



HONORABLE MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE