

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

RICHARD LEROY BILTON,

Plaintiff,

v.

Civ. No. 16-109 GJF

NANCY A. BERRYHILL, *Acting  
Commissioner of the Social Security  
Administration,*

Defendant.

**ORDER GRANTING ATTORNEY FEES**

This matter is before the Court on Plaintiff's "Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act" ("Motion") [ECF No. 38]. Having considered the record, relevant law, and the stipulations of the parties, **IT IS HEREBY ORDERED:**

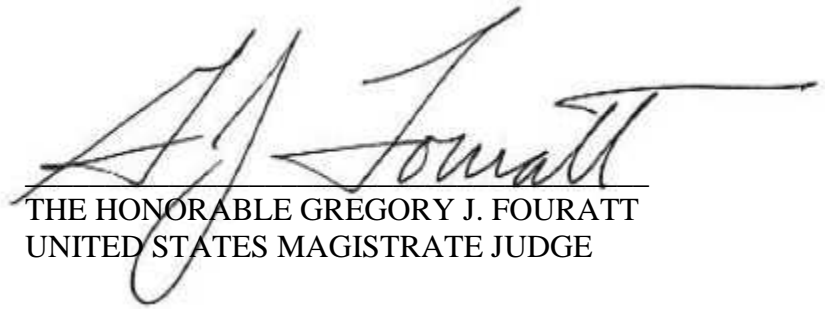
1. Defendant will pay Plaintiff a total of \$6,500.00 in fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 *et seq.* This amount is payable to Plaintiff, not directly to his counsel. Plaintiff's payment will be remitted to the office of his attorney, Michael D. Armstrong.

2. 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.

3. Defendant's payment of this amount is without prejudice to Plaintiff's counsels' 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.

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

**IT IS SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE