

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AMANDA MARIE GALLEGOS,

Plaintiff,

v.

Civ. No. 16-264 GJF

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

Defendant.

**ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff's "Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act" ("Motion") filed on September 21, 2017 [ECF No. 27]. The parties have stipulated to EAJA fees in the amount of \$1,588.60 for work performed in 2016 and 2017. The Court, having reviewed the Motion, the record, and noting the concurrence of the parties, finds the Motion to be well taken and will hereby **GRANT** it.

IT IS THEREFORE ORDERED that Plaintiff is awarded \$1,588.60 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). *See Astrue v. Ratliff*, 560 U.S. 586, 591-93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.


THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE