

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

FAWZIA SAMADI,

Plaintiff,

v.

Civ. No. 16-402 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 the Plaintiff's "Unopposed Motion for Attorney Fees and Costs Pursuant to the Equal Access to Justice Act" ("Motion") filed on June 20, 2017 [ECF No. 24]. The parties have stipulated to EAJA fees in the amount of \$5,114.50 for work performed in 2015 and 2016. 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.

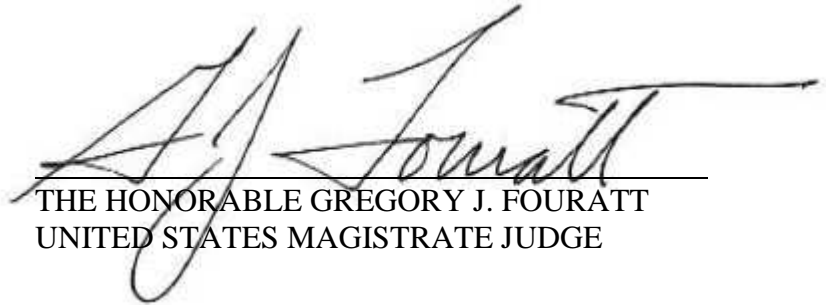
IT IS THEREFORE ORDERED that Plaintiff is awarded \$5,114.50 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). *See Astrue v. Ratliff*, 560 U.S. 586, 591-93 (2010) (EAJA fees are paid to the prevailing party, not the attorney). Plaintiff is also awarded \$400.00 in costs, pursuant to 28 U.S.C. § 1920, which shall be paid from the Judgment Fund.

Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. The parties further agree that the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See*

28 U.S.C. § 2412(c)(1) (2012).

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