

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

RENEE R. MARTINEZ,

Plaintiff,

vs.

No. 1:16-cv-00561-KBM

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

Defendant.

**ORDER AWARDING ATTORNEY FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT**

THIS MATTER coming before the Court on Plaintiff's Unopposed Motion for Attorney Fees Under the Equal Access to Justice Act (Doc. 24), Defendant having no objection to Plaintiff's Motion, and the Court being fully advised in the premises, finds that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney fees in the amount of \$5,568.00 pursuant to 28 U.S.C. § 2412(d). The award shall be made payable to Plaintiff as prevailing party in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 591-93 (2010).

IT IS FURTHER ORDERED that, if the Court also awards attorney fees under 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).



**KAREN B. MOLZEN
UNITED STATES CHIEF MAGISTRATE JUDGE**

SUBMITTED AND APPROVED BY:

Electronically Submitted 3-7-17 _____

MICHAEL LIEBMAN

Attorney for Plaintiff

E-mail Approval Received 3-7-17 _____

NARISSA WEBBER

Special Assistant U.S. Attorney

Attorney for Defendant