

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

CLARISSA NICOLE RIBERA,

Plaintiff,

v.

No. CV 17-32 CG

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

Defendant.

**ORDER AWARDING ATTORNEY FEES PURSUANT TO  
THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

**THIS MATTER** is before the Court on Plaintiff Tilda Garcia's *Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act*, (Doc. 20), filed December 22, 2017, in which the parties stipulate to an award of attorney fees in the amount of \$5,146.96 and that Plaintiff receive \$400 from the Judgment fund administered by the U.S. Department of the Treasury.

**IT IS THEREFORE ORDERED** that Plaintiff be awarded \$5,146.96.00 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and that Plaintiff be reimbursed costs of \$400.00 from the Judgment Fund administered by the U.S. Department of the Treasury. *See Astrue v. Ratliff*, 560 U.S. 586, 591–93 (2010) (providing 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), Section 206(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).



---

THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE