

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

YOLANDA DIAZ JARAMILLO,
Plaintiff,

vs.

CIV. NO. 17-00859 KRS

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

**ORDER GRANTING STIPULATED MOTION FOR AWARD OF ATTORNEY FEES AND
COSTS UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 27), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff in care of her attorney in the amount of \$5,643.30. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney). Plaintiff is also awarded costs, pursuant to 28 U.S.C. § 1920, in the amount of \$400.00, representing the filing fee. Costs are paid from the Judgment fund and not from agency funds.

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).



HONORABLE KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE