

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

CRYSTAL CALDERON,

Plaintiff,

v.

CIV. NO. 1:18-cv-00230-SMV

NANCY BERRYHILL

Defendant

STIPULATED ORDER GRANTING MOTION FOR ATTORNEYS FEES AND COSTS

THIS MATTER is before the Court on the Stipulation of Award of Attorney Fees under the Equal Access to Justice Act, (Doc. 23), filed 10/11/2018, in which the parties stipulate to awarding Plaintiff EAJA fees in the amount of \$5,300.

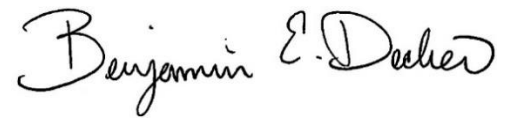
IT IS THEREFORE ORDERED that Plaintiff be awarded \$5,300 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See *Astrue v. Ratliff*, 560 U.S. 586, 591–93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b), 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).



Hon. Stephan M. Vidmar

Approved as to form:

A handwritten signature in cursive script that reads "Benjamin E. Decker". The signature is written in black ink and is positioned above a horizontal line.

Benjamin E. Decker

/s/ 10/09/2018

Thomas Kraus