

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

**MARIA DEL ROSARIO GARCIA DE
MENDOZA,**

Plaintiff,

vs.

CIV. NO. 1:20-00882-SMV

**KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,**

Defendant.

ORDER

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the Court finds the Motion (Dkt. No. 26) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney fees in the amount of \$5,279.60 under the Equal Access to Justice Act, 28 U.S.C. § 2412, made payable to Plaintiff as the prevailing party herein and Plaintiff is also entitled to costs in the amount of \$400.00, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412, not agency funds.

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. §406(b), she must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SIGNED November 19, 2021



STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY:

Electronically submitted November 19, 2021

VICTORIA V. JOHNSON
Special Assistant United States Attorney

Electronically approved November 19, 2021

LAURA JOELLEN JOHNSON
Attorney for Plaintiff