

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NORTH CAROLINA
 NORTHERN DIVISION

JANICE ANN KRAUSS,)
 Plaintiff,)
 v.)
 CAROLYN W. COLVIN, Acting Commissioner)
 of Social Security,)
 Defendant.)

JUDGMENT IN A CIVIL CASE
CASE NO. 2:15-CV-13-D

Decision by Court.

This action came before this Court for ruling as follows.

IT IS ORDERED, ADJUDGED, AND DECREED that if Plaintiff’s counsel has been paid fees under a fee petition under 42 U.S. C. § 406(a), or if Plaintiff has filed or intends to file for fees under that section, then Plaintiff’s counsel’s request for fees under 42 U.S.C. § 406(b) is denied. However, if Plaintiff has not received fees under 42 U.S.C. § 406(a), and Plaintiff has not filed and does not intend to file for fees under that section, then Plaintiff’s counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$6,000, and will refund to Plaintiff the smaller award between this amount and the EAJA award. If an award is claimed from the Commissioner under 42 U.S.C. § 406(b) pursuant to this Order, then Plaintiff is restricted from filing for fees from the Commissioner pursuant to 42 U.S.C. § 406(a) now or at any time in the future.

This Judgment Filed and Entered on October 24, 2016, and Copies To:

Branch W. Vincent, III (via CM/ECF Notice of Electronic Filing)
 Mark J. Goldenberg (via CM/ECF Notice of Electronic Filing)

DATE:
 October 24, 2016

JULIE RICHARDS JOHNSTON, CLERK
 (By) /s/ Crystal Jenkins
 Deputy Clerk