

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>CYNARA D. COLLINS,</b>	)		
<b>PLAINTIFF,</b>	)		
	)		
<b>vs.</b>	)	<b>CASE No.</b>	<b>11-CV-314-FHM</b>
	)		
<b>MICHAEL J. ASTRUE, Commissioner,</b>	)		
<b>Social Security Administration,</b>	)		
<b>DEFENDANT.</b>	)		

**OPINION AND ORDER**

Plaintiff has filed a Motion for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act [Dkt. 21] (EAJA), 28 U.S.C. § 2412(d). The motion requests an award of \$5,051.70 in attorney fees. The Commissioner filed a Response stating he has no objection to the Court awarding EAJA fees in the amount of \$5,051.70.

The Court finds the hourly rate and number of hours expended to be reasonable. Plaintiff is GRANTED EAJA fees in the amount of \$5,051.70. In the event attorney fees are also awarded under 42 U.S.C. § 406(b)(1), Plaintiff’s counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 26th day of December, 2012.

  
 FRANK H. McCARTHY  
 UNITED STATES MAGISTRATE JUDGE