

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

BELVA M. JANIS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

Case No. 11-CV-526-FHM

OPINION AND ORDER

Plaintiff's Application for Award of Attorney Fees Under the Equal Access to Justice Act, [Dkt. 21], is before the undersigned United States Magistrate Judge for decision.

Plaintiff seeks an award of attorney fees in the total amount of \$4,210.80 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The EAJA requires the United States to pay attorney fees and costs to a "prevailing party" unless the Court finds the position of the United States was substantially justified, or special circumstances make an award unjust. 28 U.S.C. § 2412(d). The Commissioner has no objection to the reasonableness of the fee request. [Dkt. 22].

Plaintiff's Application for Award of Attorney Fees Under the Equal Access to Justice Act, [Dkt. 21], is GRANTED. Plaintiff is awarded a total of \$4,210.80. Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If attorney fees are also awarded under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 3rd day of October, 2012.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE