

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

ERIC FRANCIS MURRY

Plaintiff,

vs.

Case No. 12-CV-515-FHM

CAROLYN W. COLVIN,
Acting Commissioner, Social Security
Administration,

Defendant.

OPINION AND ORDER

Plaintiff seeks an award of attorney fees in the amount of \$ 3,803 and costs of \$350 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [Dkt. 16]. The Commissioner agrees that Plaintiff should be awarded the amount requested [Dkt. 18].

The undersigned finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the request, the undersigned finds that Plaintiff should be awarded EAJA fees in the amount of \$3,803 and costs in the amount of \$350. *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524 (2010)(a §2412(d) fee award is payable to the litigant).

Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel 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).

Plaintiff's Motion for Attorney's Fees and Expenses Under the Equal Access to Justice Act [Dkt. 16] is GRANTED as provided herein.

SO ORDERED this 22nd day of October, 2013.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE