

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


<p>FELIX CHUCULATE,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration,</p> <p style="text-align: right;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 13-CV-531-PJC</p>
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OPINION AND ORDER

On February 13, 2015, this Court reversed the decision of the Commissioner and remanded this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). (Dkt. #18 and #19). Plaintiff filed an Application for Award of Attorney Fees (Dkt. #23 and #24) requesting an award of fees in the amount of \$4,478.10 for 23.60 hours of attorney time pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. The Commissioner filed no response to Plaintiff’s Application. The Court has reviewed the pleadings and finds that Plaintiff Felix Chuculate is the prevailing party and the fees sought are reasonable.

THEREFORE IT IS ORDERED that Plaintiff be awarded EAJA attorney fees in the amount of \$4,478.10, in care of his counsel. If attorney fees are also awarded under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff’s counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 26th day of May 2015.



Paul J. Cleary
United States Magistrate Judge