

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

<b>TISHIA A. HARLAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 13-CV-672-PJC</b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
<b>Acting Commissioner of the</b>	)	
<b>Social Security Administration,</b>	)	
	)	
<b>Defendant.</b>	)	

**REVISED  
OPINION AND ORDER**

On February 9, 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. #24 and #25). Pursuant to Plaintiff’s Motion for Attorney Fees (Dkt. #26) and Defendant’s Response (Dkt. #27), this Court entered an Opinion and Order (Dkt. #28) on May 26, 2015 granting Plaintiff an award of fees and expenses pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412.

Commissioner filed a Motion to Alter Or Amend Order (Dkt. #30), concurred in by Plaintiff, on May 27, 2015, requesting that this Court clarify that the amount of \$448.48, referred to in the May 26, 2015 Opinion and Order as “expenses,” is in the nature of costs, to be paid from the Judgment Fund administered by the United States Treasury.

Pursuant to Plaintiff’s Motion for Attorney Fees (Dkt. #26) and Defendant’s Response (Dkt. #27), the parties have agreed that an award of fees and costs is appropriate pursuant to

EAJA. The parties have agreed that an award in the total amount \$5,075.68, representing \$4,627.20 in fees for 24.50 hours of attorney work performed and \$448.48 in costs, in this case is appropriate. The Court has reviewed the pleadings and finds that Plaintiff Tishia A. Harlan is the prevailing party and the fees and costs sought are reasonable.

**THEREFORE IT IS ORDERED** that the previous Opinion and Order (Dkt. #28) entered by this Court on May 26, 2015, is hereby stricken. It is further ordered that Plaintiff be awarded a total of \$5,075.68 in care of her counsel, representing EAJA attorney fees in the amount of \$4,627.20 and costs in the amount of \$448.48. 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). The separate Judgment (Dkt. #29) entered May 26, 2015 remains in effect.

**DATED** this 28th day of May 2015.



Paul J. Cleary  
United States Magistrate Judge