

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

LARRY EVERETT NICHOLS,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of the)
 Social Security Administration,)
)
 Defendant.)

Case No. 15-CV-331-PJC

OPINION AND ORDER

On December 22, 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. #19 and #20). Pursuant to Plaintiff’s Application for Award of Attorney Fees (Dkt. #21) and Defendant’s Response (Dkt. #22), the parties have agreed that an award of fees is appropriate pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. The parties have agreed that the amount of \$1,164.00 in attorney fees is appropriate based on 4.5 hours of attorney work and 3.1 hours of paralegal work performed in this case. The Court has reviewed the pleadings and finds that Plaintiff Larry Everett Nichols 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 \$1,164.00, 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 29th day of March 2016.



Paul J. Cleary
United States Magistrate Judge