

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

STACY ESTES,

)

Plaintiff,

)

)

v.

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Case No. CIV-15-1096-D

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)

**NANCY BERRYHILL,
Acting Commissioner of
Social Security,**

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)

)

Defendant.

)

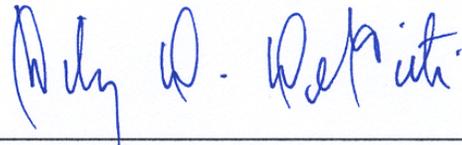
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ORDER

Upon consideration of the parties’ Stipulated Motion for Award of Attorney Fees under the Equal Access to Justice Act [Doc. No. 26], the Court hereby GRANTS the Motion and awards Plaintiff \$5,800.00 in attorney fees pursuant to the EAJA, 28 U.S.C. § 2412.

The award of attorney fees must be made payable to Plaintiff as the prevailing party. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007), *cert. denied*, 129 S. Ct. 486 (2008); *Brown v. Astrue*, 271 F. App’x 741, 743-44 (10th Cir. 2008) (unpublished). In addition, if Plaintiff’s counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), he must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 13th day of February, 2017.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a horizontal line underneath it.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE