

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

DONTRELL DELOCH,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. CIV-18-578-D
NANCY A. BERRYHILL,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	


ORDER

The Court, having reviewed the parties’ Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act [Doc. No. 22], finds it should be GRANTED.

IT IS THEREFORE ORDERED that attorney fees are awarded to Plaintiff under the Equal Access to Justice Act, 28 U.S.C. § 2412, payable to Plaintiff in care of his attorney, in the amount of \$5,000.00.¹

IT IS FURTHER ORDERED that if Plaintiff’s counsel subsequently receives an award of attorney fees under 42 U.S.C. § 406(b), counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 1st day of April, 2019.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹ See *Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).