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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**NORTHERN DIVISION**

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**BECKY DEGRAFFENRIED,**

Plaintiff,

v.

**MICHAEL J. ASTRUE, Commissioner of  
Social Security,**

Defendant.

**MEMORANDUM DECISION &  
ORDER**

Case No. 1:09CV103DAK

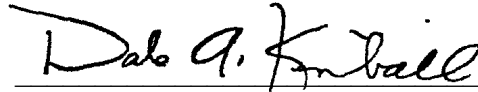
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This matter is before the court on Plaintiff's "Motion for EAJA Attorney Fees" pursuant to the Equal Access to Justice Act. *See* 28 U.S.C. § 2412(d)(1)(A). The government does not object to an award to Plaintiff of attorney fees in the amount of \$5494.45. Accordingly, Plaintiff's motion is GRANTED and the court awards Plaintiff attorney fees under the EAJA in the amount of \$5494.45.

Plaintiff asks that the Defendant pay the fee award directly to her attorney, but case law requires an attorney fees award under the EAJA to be paid to the litigant. *See Astrue v. Ratliff*, 560 U.S. —, 2010 WL 2346547 (June 14, 2010). If Plaintiff's counsel can demonstrate to Defendant that they meet the circumstances in which the government may pay the attorney directly, Defendant shall pay the award directly to counsel. *See id.* at \*7.

DATED this 13th day of July, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Dale A. Kimball". The signature is written in a cursive style with a horizontal line underneath it.

DALE A. KIMBALL,  
United States District Judge