

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

PAUL D. HARDESTY,

Plaintiff,

vs.

Case No. 02-1018-JTM

MICHAEL J. ASTRUE, COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

MEMORANDUM AND ORDER

The present motion arises on plaintiff's motion for attorney fees pursuant to 42 U.S.C. § 406(b). For the following reasons, the court grants plaintiff's motion.

Plaintiff requests the court to award payment of fees in the amount of \$7,870.25 for thirty-five (35) hours of court-related work in the present case. \$16,607.75 was recently withheld from plaintiff's past-due benefits for the possible payment of attorney fees. Plaintiff's counsel also previously applied for and received attorney fees in the amount of \$4,525.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Defendant does not object to plaintiff's request.

Therefore, the court grants plaintiff's motion for attorney fees pursuant to 42 U.S.C. § 406(b) in the amount of \$7,870.25 payable to plaintiff's counsel, Timothy M. White, out of which counsel shall reimburse plaintiff in the amount of \$4,525.00 for the EAJA attorney fee, as required by *Weakley v. Boren*, 803 F.2d 575, 580 (10th Cir. 1986). Any additional amount that defendant has withheld from

plaintiff's retroactive benefits shall be released and paid to plaintiff. IT IS ACCORDINGLY

ORDERED this 9<sup>th</sup> day of July, 2007, that plaintiff's motion for attorney fees (Dkt. No. 27) is granted.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE