

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

G.C.,¹

Plaintiff,

v.

Case No. 20-1351-DDC

**KILOLO KIJAKAZI,
Acting Commissioner of Social Security,**

Defendant.

MEMORANDUM AND ORDER

This Order stems from Plaintiff’s Attorney’s Unopposed Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. 18). The motion asks the court to award \$799.50 in attorney’s fees under 28 U.S.C. § 2412. *See id.* at 1. And, the motion is unopposed. *See id.* (“Counsel for the Commissioner has no objection to the award and has stipulated to the amount.”). Finding this amount reasonable and because the motion is unopposed, the court grants the request.²

Under the Equal Access to Justice Act, an award of attorney’s fees is payable to plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States government. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). If plaintiff’s counsel

¹ The court uses plaintiff’s initials here as part of its efforts to preserve privacy interests. Even though the history of this litigation tempers the privacy interests, the court will follow its practice.

² Plaintiff’s attorney previously filed a similar motion with an identical title: Plaintiff’s Attorney’s Unopposed Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. 16). Plaintiff then filed another motion which she docketed as an “Amended” motion. *See* Doc. 18. The court treats the most recent version of this motion as the operative filing. So, the court denies as moot Doc. 16—*i.e.*, the older version of this same request.

also receives an award of attorney's fees under 42 U.S.C. § 406(b), she must refund the smaller award to plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS THEREFORE ORDERED BY THE COURT THAT Plaintiff's Attorney's Unopposed Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. 18) is granted. Under 28 U.S.C. § 2412, plaintiff is granted attorney's fees in the amount of \$799.50. The check for attorney's fees should be made payable to plaintiff and mailed to plaintiff's attorney's address.

IT IS FURTHER ORDERED BY THE COURT THAT Plaintiff's Attorney's Unopposed Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. 16) is denied as moot.

IT IS SO ORDERED.

Dated this 8th day of September, 2021, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge