

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Tammy L. Garding v. Frank Bisignano, Commissioner of Social Security

Garding · No. 1:25-cv-00749-SCY · Decided January 15, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
TAMMY L. GARDING, Plaintiff, vs. Case No.: 1:25-cv-00749-SCY FRANK BISIGNANO,
Commissioner of Social Security, Defendant. ORDER Upon consideration of the Stipulated
Motion for Award of Attorney Fees Under the Equal Access to Justice Act, the Court finds the
Motion (Dkt. No. 12) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded \$2,788.60 (two thousand seven hundred
eighty-eight dollars and sixty cents) for attorney fees and expenses under the Equal Access to
Justice Act (EAJA), 28 U.S.C. § 2412, as the prevailing party herein. If Plaintiffs counsel is
subsequently awarded any fees pursuant to 42 U.S.C. § 406(b), they must refund the smaller award
to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir.

1986). HONORABLE C. YA GH U.S. Magistrate Judge SUBMITTED AND APPROVED
BY: Electronically submitted 1/15/2026 Richard W. Pruett Special Assistant United States
Attorney Attorney for Defendant Electronically approved 1/15/2026 Eric Bohnet Electronically
approved 1/15/2026 Blake Duggar Attorneys for Plaintiff