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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9 Michael Delucci, an unmarried man,

No. CV-17-0171-TUC-BGM

10 Plaintiff,

**ORDER**

11 v.

12  
13 Nancy A. Berryhill,  
14 Acting Commissioner of Social Security,


15 Defendant.

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17 Currently pending before the Court is the parties' Stipulated Motion for Award of  
18 Attorney Fees Pursuant to the Equal Access to Justice Act, 26 U.S.C. § 2412(d) (Doc. 21).  
19 Having reviewed the same, and good cause appearing, IT IS HEREBY ORDERED that the  
20 parties' motion (Doc. 21) is GRANTED. IT IS FURTHER ORDERED that Plaintiff shall be  
21 awarded attorney's fees of \$3,919.00 pursuant to the Equal Access to Justice Act ("EAJA"), 28  
22 U.S.C. § 2412(d).  
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24 EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset  
25 under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). *See Astrue v.*  
26 *Ratliff*, 560 U.S. 586, 595–98, 130 S.Ct. 2521, 2528–29, 177 L.Ed.2d 91 (2010). As  
27 such, IT IS FURTHER ORDERED that if, after receiving this Order, the Commissioner  
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1 determines upon its effectuation that Plaintiff does not owe a debt that is subject to offset  
2 under the Treasury Offset Program, the fees will be made payable to Plaintiff's attorney.  
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4 If, however, there is a debt owed that is subject to offset under the Treasury Offset  
5 Program, the remaining EAJA fees after offset will be paid by a check made out to  
6 Plaintiff, but delivered to Plaintiff's attorney. Any check for EAJA fees shall be mailed  
7 to Plaintiff's counsel at the following address: Hallinan & Killpack Law Firm, 5240 East  
8 Pima Street, Tucson, Arizona 85712.  
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10 Dated this 22nd day of February, 2018.

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13 Honorable Bruce G. Macdonald  
14 United States Magistrate Judge  
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