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5 IN THE UNITED STATES DISTRICT COURT FOR  
6 THE EASTERN DISTRICT OF CALIFORNIA  
7 FRESNO DIVISION  
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10 EDNA de LEON BUERA, )  
11 ) CIVIL NO. 1:07-cv-1051-GSA  
12 Plaintiff, )  
13 v. ) ORDER FOR THE AWARD OF  
14 MICHAEL J. ASTRUE, ) ATTORNEYS' FEES PURSUANT TO  
Commissioner of Social Security, ) THE EQUAL ACCESS TO JUSTICE  
15 ) ACT, 28 U.S.C. § 2412(d)  
Defendant. ) (Doc. 47)  
16 )  
17

18 Plaintiff, Edna de Leon Buera filed a petition for attorney fees under the Equal Access to  
19 Justice Act (EAJA), 28 U.S.C. § 2412(b)(2)(B) on August 24, 2011. (Doc. 47). Defendant has  
20 not filed any opposition to the request.

21 In the absence of any opposition by the Commissioner of Social Security, the Court has  
22 considered the application and finds: (1) Plaintiff is a prevailing party; (2) Plaintiff meets the net  
23 worth requirements of 28 U.S.C § 2412(b)(2)(B); (3) the "position of the United States" was not  
24 substantially justified; 4) there are no "special circumstances" that make an award unjust under  
25 Title 28 § 2412(d)(1)(A); (5) the requested hourly rate is appropriate; and (6) the hours claimed  
26 by Plaintiff's attorneys reasonably were expended.  
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28 THEREFORE, IT IS HEREBY ORDERED, that Plaintiff is awarded attorneys fees

under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of four thousand one hundred forty-eight dollars and ninety two cents (\$4,178.92). This amount was calculated by multiplying the number of billable hours (23.7) by the attorney hourly rate of \$175.06 which this Court finds is reasonable ( $\$175.06 \times 23.7 = \$4,148.92$ ).

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and expenses to be made directly to Sengthiene Bosavanh, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Sengthiene Bosavanh.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

IT IS SO ORDERED.

**Dated: September 16, 2011**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE