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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA
 16 FRESNO DIVISION

17 FERNANDO MEDINA-HERRERA,)	Case No. 1:09-CV-01769-DLB
18 Plaintiff,)	
19 v.)	STIPULATION AND ORDER FOR
20 MICHAEL J. ASTRUE,)	THE AWARD OF ATTORNEY’S FEES
21 Commissioner of Social Security,)	PURSUANT TO THE EQUAL ACCESS TO
22 Defendant.)	JUSTICE ACT, 28 U.S.C. § 2412(d)
23)	

24 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 25 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 26 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND
 27 SIX HUNDRED FIFTY DOLLARS AND 00 CENTS (\$4,650.00). This amount represents
 28 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
 this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to Astrue v.
Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees

1 are subject to any offset allowed under the United States Department of the Treasury's Offset
2 Program. After the order for EAJA fees is entered, the government will determine whether they
3 are subject to any offset.
4

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
6 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
7 be made directly to Plaintiff's counsel, Sengthiene Bosavanh, pursuant to the assignment executed
8 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
9

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
11 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
12 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
13 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in
14 connection with this action.
15

16 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
17 Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.
18

19 Respectfully submitted December 21, 2010.

20 Dated: December 21, 2010

s/ Sengthiene Bosavanh
(As authorized by email)
SENGTHIENE BOSAVANH
Attorney for Plaintiff

23 Date: December 21, 2010

BENJAMIN B. WAGNER
United States Attorney

25 By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U. S. Attorney

27 Attorneys for Defendant
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ORDER

IT IS SO ORDERED.

Dated: December 22, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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