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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA
 12 **FRESNO DIVISION**

13 LEO WAYNE VANCE,

14 Plaintiff,

15 v.

16 MICHAEL J. ASTRUE,
 Commissioner of
 17 Social Security,

18 Defendant.

CIVIL NO. 1:10-CV-0782-OWW-SKO

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STIPULATION AND ORDER AWARDING
 ATTORNEY FEES UNDER THE EQUAL
 ACCESS TO JUSTICE ACT (28 U.S.C.
 § 2412(d))

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of ONE THOUSAND SEVEN HUNDRED
 FIFTY DOLLARS AND 00/CENTS (\$1,750.00). This amount represents 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).

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2 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
3 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant
4 to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the
5 assignment will depend on whether the fees and expenses are subject to any offset allowed under the
6 United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses
7 is entered, the government will determine whether they are subject to any offset.

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

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

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

19 Respectfully submitted,

20 Dated: March 7, 2011

/s/ Sengthiene Bosavanh
(As authorized via e-mail)
SENGTHIENE BOSAVANH
Attorney for Plaintiff

23 Dated: March 7, 2011

BENJAMIN B. WAGNER
United States Attorney

/s/ Brenda M. Pullin
BRENDA M. PULLIN
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, IT IS ORDERED that Plaintiff be awarded \$1,750.00 in attorney fees under 28 U.S.C. § 2412(d).

IT IS SO ORDERED.

Dated: March 31, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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