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8 Attorneys for Defendant

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

12 GRACIELA SALINAS,

13 Plaintiff,

14 v.

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

18 Defendant.

CIVIL NO. 1:10-CV-02095-AWI-DLB

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES

19
 20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 21 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
 22 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of five thousand five hundred dollars and no
 23 cents (\$5,500.00). This amount represents compensation for all legal services rendered on behalf of
 24 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 26 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant
 27 to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether
 28 the fees, expenses are subject to any offset allowed under the United States Department of the Treasury's

1 Offset Program. After the order for EAJA fees and expenses is entered, the government will determine
2 whether they are subject to any offset.

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

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

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

14
15 Respectfully submitted,

16
17 Dated: April 26, 2012

/s/ Sengthiene Bosavanh
(As authorized via email on 4/26/12)
SENGTHIENE BOSAVANH
Attorney for Plaintiff

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19
20 Dated: April 26, 2012

BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

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23 /s/ Kathryn R. Watson
KATHRYN R. WATSON
Special Assistant United States Attorney
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ORDER

IT IS SO ORDERED that fees and expenses in the amount of \$5,500.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: April 27, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE