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

13 DARLA TYLER,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 COMMISSIONER OF)
 SOCIAL SECURITY,)
 17)
 Defendant.)
 18)
 19 _____)

Case No. CIV-1:11-cv-00781-AWI-GSA
 ORDER ON REVISED STIPULATION FOR
 THE AWARD AND PAYMENT OF
 ATTORNEY FEES PURSUANT TO THE
 EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C.
 § 2412(d) AND COSTS PURSUANT TO 28
 U.S.C. § 1920
 (Doc. 25)

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 21 subject to the approval of the Court, that Darla Tyler will be awarded attorney fees in the amount of
 22 seven-thousand, four-hundred dollars (\$7,400.00) under the Equal Access to Justice Act (EAJA), 28
 23 U.S.C. § 2412(d) and eighty-two dollars and fifty-four cents (\$82.54) in costs under Taxation of Costs,
 24 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of
 25 Darla Tyler by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d),
 26 1920.

27 After the Court issues an order for EAJA fees to Darla Tyler, the Defendant will consider any
 28 assignment of EAJA fees to Segthiene Bosavanh. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521,
 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are subject

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

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

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

12 Sengthiene Bosavanh reserves the right to contend that any non-payment caused by the collection
13 of a federal debt owed by Darla Tyler violates 31 C.F.R. § 285.5(e)(5) and Morrison v. C.I.R., 565 F.3d
14 658, 667 (9th Cir. 2009). Nothing in this stipulation shall be construed as an admission by Sengthiene
15 Bosavanh that the Defendant has the right or authority to offset the fees due and payable pursuant to this
16 stipulation. This award is without prejudice to the rights of Sengthiene Bosavanh to seek Social Security
17 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

18 Respectfully submitted,

19 Dated: November 19, 2012

20 /s/ Sengthiene Bosavanh
21 (as authorized via e-mail)
22 SENGTHIENE BOSAVANH
23 Attorney for Plaintiff

24 BENJAMIN WAGNER
25 United States Attorney

26 Dated: November 19, 2012


27 By /s/ Elizabeth Barry
28 ELIZABETH BARRY
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Pursuant to the above stipulation, Plaintiff shall be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SEVEN THOUSAND FOUR HUNDRED dollars and 00/100 cents (\$7,400.00). Plaintiff shall also be awarded EIGHTY TWO dollars and FIFTY FOUR cents (\$82.54) in costs under Taxation of Costs, 28 U.S.C. § 1920. Defendant shall consider any assignment of EAJA fees to Sengthiene Bosavanh, pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2252-2253 (2010).

IT IS SO ORDERED.

Dated: November 20, 2012


UNITED STATES DISTRICT JUDGE