1 Sengthiene Bosavanh, Esq. #249801 Milam Law, Inc. 2 330 N. Fulton Street Fresno, CA 93701 3 (559) 264-2800 Fax: 559-264-2822 4 5 Attorney for Plaintiff, Frank Azevedo 6 7 8 IN THE UNITED STATES DISTRICT COURT FOR 9 THE EASTERN DISTRICT OF CALIFORNIA 10 FRESNO DIVISION 11 12 13 FRANK AZEVEDO, 14 CIVIL NO. 1:11-cv-01341-AWI-SAB Plaintiff, 15 PROPOSED ORDER FOR THE AWARD OF ATTORNEYS' FEES PURSUANT TO 16 v. THE EQUAL ACCESS TO JUSTICE 17 **CAROLYN W. COLVIN,** ACT, 28 U.S.C. § 2412(d) Commissioner of Social Security, 18 Defendant. 19 20 This matter having come before the Court pursuant to Plaintiff's timely application, and 21 the Court having fully considered the matter, hereby finds (1) Plaintiff is a prevailing party; (2) 22 Plaintiff meets the net worth requirements of 28 U.S.C. § 2412(b)(2)(B); (3) the "position of the 23 24 United States" was not substantially justified; 4) there are no "special circumstances" that make 25 an award unjust under 28 U.S.C. § 2412(d)(1)(A); (5) the requested hourly rate is appropriate; 26 and (6) the hours claimed by Plaintiff's attorneys reasonably were expended. 27 28 PROPOSED ORDER FOR THE AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) – Civil Action No. 1:11-cv-01341-AWI-SAB-1

1	THEREFORE, IT IS HEREBY ORDERED, that Plaintiff is awarded attorneys' fees in
2	the amount of \$10,022.29 and expenses in the amount of \$81.10 under the Equal Access to
3	Justice Act (EAJA), 28 U.S.C. § 2412(d), for a total amount of Ten Thousand, One Hundred
4	Three Dollars and Thirty-Nine Cents (\$10,103.39).
5	Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
7	that Plaintiff does <u>not</u> owe a federal debt, then the government shall cause the payment of fees
8	and expenses to be made directly to Sengthiene Bosavanh, pursuant to the assignment executed
9	by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
10	This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
11	Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.
12	Respectfully submitted,
13	Dated: June 20, 2013 By <u>s/ Sengthiene Bosavanh</u>
14 15	SENGTHIENE BOSAVANH Attorney for Plaintiff, Frank Azevedo
16	<u>ORDER</u>
17	IT IS SO ORDERED.
18	Dated: June 20, 2013
19	SENIOR DISTRICT JUDGE
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