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9 Attorneys for Plaintiff
10 Eraide Talingo Coria

11
12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14

15 ERAIDE TALINGO CORIA,)	Case No.: 1:13-cv-01643-SAB
)	
16 Plaintiff,)	STIPULATION FOR THE AWARD
)	AND PAYMENT OF ATTORNEY
17 vs.)	FEEES PURSUANT TO THE EQUAL
18 CAROLYN W. COLVIN, Acting)	ACCESS TO JUSTICE ACT, 28 U.S.C.
19 Commissioner of Social Security,)	§ 2412(d)
)	
20 Defendant.)	

21 TO THE HONORABLE STANLEY A. BOONE, MAGISTRATE JUDGE
22 OF THE DISTRICT COURT:

23 IT IS HEREBY STIPULATED by and between the parties through their
24 undersigned counsel, subject to the approval of the Court, that Eraide Talingo
25 Coria be awarded attorney fees in the amount of THREE THOUSAND TWO
26 HUNDRED dollars (\$3200) under the Equal Access to Justice Act (EAJA), 28
U.S.C. § 2412(d). 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. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Eraide Talingo Coria, the
2 government will consider the matter of Eraide Talingo Coria's assignment of EAJA
3 fees to Brian C. Shapiro. The retainer agreement containing the assignment is
4 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
5 the ability to honor the assignment will depend on whether the fees are subject to
6 any offset allowed under the United States Department of the Treasury's Offset
7 Program. After the order for EAJA fees is entered, the government will determine
8 whether they are subject to any offset.

9 Fees shall be made payable to Eraide Talingo Coria, but if the Department
10 of the Treasury determines that Eraide Talingo Coria does not owe a federal debt,
11 then the government shall cause the payment of fees, expenses and costs to be
12 made directly to Law Offices of Lawrence D. Rohlffing, pursuant to the assignment
13 executed by Eraide Talingo Coria. *United States v. \$186,416.00*, 722 F.3d 1173,
14 1176 (9th Cir. 2013) (*\$186,416.00 II*) (ordering fees paid to counsel because of an
15 assignment that did not interfere with a raised superior lien).¹ Any payments made
16 shall be delivered to Brian C. Shapiro.

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18 ¹ The Commissioner does not stipulate to the citation of *\$186,416.00 II*, and will
19 not participate in representing to this Court that it carries legal import in these
20 proceedings. *\$186,416 II* involved a different statute and very different factual
21 circumstances than those presented here, or in other Social Security cases.
22 Because the parties have agreed to the payment of EAJA fees, and the amount, and
23 to avoid motion practice solely related to Plaintiff's citation, the Commissioner
24 agrees to this stipulation. The Commissioner reserves the right to challenge the
25 applicability of *\$186,416 II* to any Social Security case, and this Stipulation should
26 not be construed as a waiver of such reservation.

24 Eraide Talingo Coria contends that *U.S. v. \$186,416.00 in U.S. Currency*, 642 F.3d
25 753, 757 (9th Cir. 2011) (*\$186,416.00 I*) held that there is no functional difference
26 between the CAFRA and EAJA in terms of "ownership" of the fee.

1 This stipulation constitutes a compromise settlement of Eraide Talingo
2 Coria's request for EAJA attorney fees, and does not constitute an admission of
3 liability on the part of Defendant under the EAJA or otherwise. Payment of the
4 agreed amount shall constitute a complete release from, and bar to, any and all
5 claims that Eraide Talingo Coria and/or Brian C. Shapiro including Law Offices of
6 Lawrence D. Rohlfing may have relating to EAJA attorney fees in connection with
7 this action.

8 This award is without prejudice to the rights of Brian C. Shapiro and/or the
9 Law Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees
10 under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

11 DATE: January 15, 2015 Respectfully submitted,

12 LAW OFFICES OF LAWRENCE D. ROHLFING

13 */s/ Brian C. Shapiro*

14 BY: _____

15 Brian C. Shapiro
16 Attorney for plaintiff Eraide Talingo Coria

17 DATED: January 15, 2015

18 BENJAMIN B. WAGNER
19 UNITED STATES ATTORNEY

20 */s/ Theophous H. Reagans*

21 _____
22 Theophous H. Reagans
23 Special Assistant United States Attorney
24 Attorneys for Defendant Carolyn W. Colvin,
25 Acting Commissioner of Social Security
26 (Per e-mail authorization)

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ORDER

IT IS ORDERED that fees and expenses in the amount of \$3,200 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: January 21, 2015


UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 1:13-CV-01643-SAB**

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I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on January 20, 2015.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Brian C. Shapiro

Brian C. Shapiro
Attorneys for Plaintiff