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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL CHARLES COLSTON,	)	Case No. 1:15-CV-01750-SKO
	)	
Plaintiff	)	**STIPULATION AND ORDER FOR AWARD**
	)	**OF ATTORNEY'S FEES UNDER THE**
v.	)	**EQUAL ACCESS TO JUSTICE ACT**
	)	**(EAJA)**
NANCY A. BERRYHILL[1],	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant	)	
	)	
_____	)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SEVEN THOUSAND FIVE HUNDRED dollars and ZERO cents ($7,500.00). 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. sec. 2412(d).

After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the fees and expenses are subject to an offset allowed under the United States Department of the Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of

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[1] Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under <u>Astrue v. Ratcliff</u>, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's attorney at the following address: Jacqueline A. Forslund, Forslund Law LLC, P.O. Box 4476, Sunriver, Oregon 97707. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney fees in connection with this action.

Respectfully submitted,

Date: May 23, 2017   JACQUELINE A. FORSLUND
                            Attorney at Law

                            /s/Jacqueline A. Forslund
                            JACQUELINE A. FORSLUND
                            Attorney for Plaintiff

Date: May 24, 2017   PHILIP A. TALBERT
                            United States Attorney
                            DEBORAH STACHEL
                            Regional Chief Counsel, Region IX
                            Social Security Administration

                            /s/Jeffrey Chen
                            JEFFREY CHEN
                            Special Assistant United States Attorney
                            *By email authorization
                            Attorney for Defendant

ORDER

Based upon the above Stipulation for Award of Attorney's Fees Under the Equal Access to Justice Act, (Doc. 25), IT IS ORDERED that fees in the amount of seven thousand five hundred dollars ($7,500) under EAJA, 28 U.S.C. § 2412(d), be awarded subject to the terms of the above Stipulation.

IT IS SO ORDERED.

Dated: __**May 29, 2017**__   ____/s/ _Sheila K. Oberto_____

UNITED STATES MAGISTRATE JUDGE