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9 Attorneys for Plaintiff
10 Fredrick W. Boykin

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

13 FREDRICK W. BOYKIN,)	Case No.: 1:16-cv-00853-GSA
)	
14 Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
15 vs.)	ATTORNEY FEES AND EXPENSES
16 NANCY A. BERRYHILL, Acting)	PURSUANT TO THE EQUAL
17 Commissioner of Social Security,)	ACCESS TO JUSTICE ACT, 28 U.S.C.
)	§ 2412(d) AND COSTS PURSUANT
18 Defendant.)	TO 28 U.S.C. § 1920
)	
)	

19 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF
20 THE DISTRICT COURT:

21 IT IS HEREBY STIPULATED, by and between the parties through their
22 undersigned counsel, subject to the approval of the Court, that Fredrick W. Boykin
23 be awarded attorney fees in the amount of One Thousand Five Hundred dollars
24 (\$1,500.00) and expenses in the amount of Twenty Five dollars (\$25.00) under the
25 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents
26 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 Fredrick W. Boykin, the
2 government will consider the matter of Fredrick W. Boykin's assignment of EAJA
3 fees to Denise Bourgeois Haley. The retainer agreement containing the assignment
4 is 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 Fredrick W. Boykin, but if the Department of
10 the Treasury determines that Fredrick W. Boykin does not owe a federal debt, then
11 the government shall cause the payment of fees, expenses and costs to be made
12 directly to Law Offices of Lawrence D. Rohlring, pursuant to the assignment
13 executed by Fredrick W. Boykin.¹ Any payments made shall be delivered to
14 Denise Bourgeois Haley.

15 This stipulation constitutes a compromise settlement of Fredrick W.
16 Boykin's request for EAJA attorney fees, and does not constitute an admission of
17 liability on the part of Defendant under the EAJA or otherwise. Payment of the
18 agreed amount shall constitute a complete release from, and bar to, any and all
19 claims that Fredrick W. Boykin and/or Denise Bourgeois Haley including Law
20 Offices of Lawrence D. Rohlring may have relating to EAJA attorney fees in
21 connection with this action.

22 This award is without prejudice to the rights of Denise Bourgeois Haley
23 and/or the Law Offices of Lawrence D. Rohlring to seek Social Security Act

24
25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
2 the EAJA.

3 DATE: July 27, 2017

Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLFING

5 */s/ Denise Bourgeois Haley*

6 BY:

Denise Bourgeois Haley
Attorney for plaintiff Fredrick W. Boykin

7
8 DATED: July 27, 2017

PHILLIP A. TALBERT
United States Attorney

9
10 */s/ Daniel P. Talbert*

11 DANIEL P. TALBERT
Special Assistant United States Attorney
12 Attorneys for Defendant NANCY A.
BERRYHILL, Acting Commissioner of Social
13 Security (Per e-mail authorization)

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ORDER

Pursuant to the stipulation of the parties (Doc. 23), Plaintiff shall be awarded attorney’s fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of ONE THOUSAND FIVE HUNDRED dollars and ZERO cents (\$1,500.00) and expenses in the amount of TWENTY-FIVE dollars and ZERO cents (\$25.00). Payment shall be made pursuant to *Astrue v. Ratcliff*, 130 S. Ct. 2521 (2010) in accordance with the terms of the stipulation outlined above.

IT IS SO ORDERED.

Dated: August 6, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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