

1 Jonathan O. Peña, Esq.
2 CA Bar ID No.: 278044
3 Peña & Bromberg, PLC
4 2440 Tulare Street, 3rd Floor
5 Suite 320
6 Fresno, CA 93721
7 Telephone: 559-412-5390
8 Facsimile: 866-282-6709
9 info@jonathanpena.com

10 Attorney for Plaintiff, Paul Vinton Granados, Jr.

11
12 UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14 PAUL VINTON GRANADOS, JR.,

15 Plaintiff,

16 v.

17 NANCY A. BERRYHILL, Acting
18 Commissioner of Social Security,

19 Defendant.

20 Case No. 1:16-cv-1123-GSA

21 STIPULATION AND ORDER FOR THE
22 AWARD OF ATTORNEY FEES UNDER
23 THE EQUAL ACCESS TO JUSTICE ACT
24 (EAJA)
25 28 U.S.C. § 2412(d)

26 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF THE
27 UNITED STATES DISTRICT COURT:

28 The Parties through their undersigned counsel, subject to the Court's approval,
stipulate that Plaintiff be awarded attorney fees in the amount of SIX THOUSAND,
FIVE HUNDRED DOLLARS (\$6,500.00) 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. § 2412(d).

1 After the Court issues an order for EAJA fees to Plaintiff, the government will
2 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
3 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
4 to honor the assignment will depend on whether the fees are subject to any offset
5 allowed under the United States Department of the Treasury's Offset Program. After
6 the order for EAJA fees is entered, the government will determine whether they are
7 subject to any offset.

8 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
9 determines that Plaintiff does not owe a federal debt, then the government shall cause
10 the payment of fees, expenses and costs to be made directly to counsel, pursuant to the
11 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's
12 counsel, Jonathan O. Peña.

13 This stipulation constitutes a compromise settlement of Plaintiff's request for
14 EAJA fees, and does not constitute an admission of liability on the part of Defendant
15 under EAJA or otherwise. Payment of SIX THOUSAND, FIVE HUNDRED
16 DOLLARS (\$6,500.00) in EAJA attorney fees, shall constitute a complete release from,
17 and bar to, any and all claims that Plaintiff and Plaintiff's attorney, Jonathan O. Peña,
18 may have relating to EAJA attorney fees in connection with this action.

19 This award is without prejudice to the rights of Plaintiff's attorney to seek Social
20 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
21 provisions of the EAJA.
22

23 Respectfully submitted,

24 Dated: January 23, 2018

25 /s/ Jonathan O. Peña
26 _____
27 JONATHAN O. PEÑA
28 Attorney for Plaintiff

1 Dated: January 23, 2018

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

5 By: /s/ Ben A. Porter
6 BEN A. PORTER
7 Special Assistant U.S. Attorney
8 (As authorized by e-mail dated
9 January 23, 2018)
Attorneys for Defendant

10 **ORDER**

11 Pursuant to the stipulation of the parties (Doc. 26), Plaintiff shall be awarded
12 attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in
13 the amount of SIX THOUSAND, FIVE HUNDRED DOLLARS (\$6,500.00). Payment
14 shall be made pursuant to *Astrue v. Ratcliff*, 130 S. Ct. 2521 (2010) in accordance with
15 the terms of the stipulation outlined above.

16 IT IS SO ORDERED.

17 Dated: January 29, 2018

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE