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 Ricardo Tinajero Cerda

7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

10 RICARDO TINAJERO CERDA,)	Case No.: 1:17-cv-00553-SKO
)	
11 Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
12 vs.)	ATTORNEY FEES AND EXPENSES
13 NANCY A. BERRYHILL, Acting)	PURSUANT TO THE EQUAL
Commissioner of Social Security,)	ACCESS TO JUSTICE ACT, 28 U.S.C.
)	§ 2412(d)
14)	
15 Defendant.)	
16)	

17 TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE
 18 OF THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED, by and between the parties through their
 20 undersigned counsel, subject to the approval of the Court, that Ricardo Tinajero
 21 Cerda be awarded attorney fees in the amount of ONE THOUSAND SEVEN
 22 HUNDRED dollars (\$1,700) under the Equal Access to Justice Act (EAJA), 28
 23 U.S.C. § 2412(d). This amount represents compensation for all legal services
 24 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 25 accordance with 28 U.S.C. §§ 1920; 2412(d).
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1 After the Court issues an order for EAJA fees to Ricardo Tinajero Cerda,
2 the government will consider the matter of Ricardo Tinajero Cerda's assignment of
3 EAJA fees to Brian C. Shapiro. 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 Ricardo Tinajero Cerda, but if the
10 Department of the Treasury determines that Ricardo Tinajero Cerda does not owe a
11 federal debt, then the government shall cause the payment of fees, expenses and
12 costs to be made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the
13 assignment executed by Ricardo Tinajero Cerda.¹ Any payments made shall be
14 delivered to Brian C. Shapiro.

15 This stipulation constitutes a compromise settlement of Ricardo Tinajero
16 Cerda'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 Ricardo Tinajero Cerda and/or Brian C. Shapiro including Law Offices
20 of Lawrence D. Rohlfing may have relating to EAJA attorney fees in connection
21 with this action.

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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.

ORDER

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Based upon the parties' above Stipulation for the Award and Payment of Attorney Fees and Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), fees and expenses in the amount of **one thousand seven hundred dollars (\$1,700)** shall be awarded subject to the terms of the above Stipulation.

IT IS SO ORDERED.

Dated: November 16, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE