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15 UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF CALIFORNIA  
17 FRESNO DIVISION

18 BOBBY G. GRAY,

19 Plaintiff,

20 v.

21 NANCY A. BERRYHILL, Acting  
22 Commissioner of Social Security,

23 Defendant.

Case No. 1:17-cv-01596-SKO

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

(Doc. 20)

24 TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE OF THE UNITED  
25 STATES DISTRICT COURT:

26 The Parties through their undersigned counsel, subject to the Court's approval, stipulate that  
27 Plaintiff be awarded attorney fees in the amount of SEVEN THOUSAND, TWO HUNDRED FIFTY  
28 DOLLARS and 00/100 (\$7,250.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.

1 § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff  
2 by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
4 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,  
5 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on  
6 whether the fees are subject to any offset allowed under the United States Department of the  
7 Treasury's Offset 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 Plaintiff, but if the Department of the Treasury determines that  
10 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
11 and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any  
12 payments made shall be delivered to Plaintiff's counsel, Jonathan O. Peña.

13 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees, and  
14 does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of  
15 SEVEN THOUSAND, TWO HUNDRED FIFTY DOLLARS and 00/100 (\$7,250.00) in EAJA  
16 attorney fees shall constitute a complete release from, and bar to, any and all claims that Plaintiff and  
17 Plaintiff's attorney, Jonathan O. Peña, may have relating to EAJA attorney fees in connection with this  
18 action.

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

22 Respectfully submitted,

23  
24 Dated: December 21, 2018

/s/ Jonathan O. Peña

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JONATHAN O. PEÑA  
Attorney for Plaintiff

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1  
2 Dated: December 21, 2018

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

5 By: /s/Marcelo Illarmo \*  
6 MARCELO ILLARMO  
7 Special Assistant U.S. Attorney  
8 Attorneys for Defendant  
9 (\*Permission to use electronic signature  
obtained via email on 12/20/18).

10 ORDER

11 Based upon the parties' above "Stipulation for the Award of Attorney Fees Under the Equal  
12 Access to Justice Act (EAJA) 28 U.S.C. § 2412(d)" (the "Stipulation") (Doc. 20), IT IS ORDERED  
13 that fees in the amount of SEVEN THOUSAND, TWO HUNDRED FIFTY DOLLARS and 00/100  
14 (\$7,250.00) as authorized by 28 U.S.C. § 2412, be awarded subject to the terms of the Stipulation.

15 IT IS SO ORDERED.

16 Dated: December 21, 2018

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE