

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON E. CALHOUN,

Plaintiff.

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:20-cv-00861-HBK

ORDER GRANTNG AWARD AND
PAYMENT OF ATTORNEYS FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT

(Doc. No. 20)

Pending before the court is Plaintiff’s stipulated motion for attorney fees filed July 14, 2021. (Doc. No. 20). Plaintiff seeks attorney’s fees and expenses in the amount of \$2,000.00 pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. (*Id.*).

On June 17, 2021, this Court approved the parties’ Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 18). Judgment was entered the same day. (Doc. no. 19). Plaintiff now requests an award of fees as the prevailing party under that Order. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

1 The Commissioner has stipulated to the fee award. (*See* Doc. No. 20 at 3). After issuance
2 of an order awarding EAJA fees and costs, the United States Department of the Treasury will
3 determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal
4 debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to
5 Plaintiff's counsel.

6 Accordingly, it is **ORDERED:**

7 1. Plaintiff's stipulated motion for attorney fees and expenses (Doc. No. 20) is
8 **GRANTED.**

9 2. Plaintiff is awarded two thousand dollars (\$2,000.00) in attorney fees and expenses.
10 Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government
11 must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees and
12 subject to the terms of the stipulated motion.

13
14 Dated: July 15, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE