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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHUE LEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-001142-HBK

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

(Doc. No. 23)

Pending before the Court is Plaintiff’s motion for attorney fees filed September 7, 2021. (Doc. No. 23). Plaintiff seeks attorney’s fees in the amount of \$945.73 under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. (*Id.*).

On July 12, 2021, this Court granted 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. 21). The Clerk entered judgment in favor of Plaintiff the same day. (Doc. No. 22). Plaintiff, the prevailing party, now requests an award of fees. *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).

The Commissioner stipulates to the requested relief. (Doc. No. 23). After issuance of an order awarding EAJA fees and costs, however, the United States Department of the Treasury will

1 determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal
2 debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to
3 Plaintiff's counsel.

4 Accordingly, it is **ORDERED**:

5 1. Plaintiff's motion for attorney's fees (Doc. No. 23) is **GRANTED**.

6 2. Plaintiff is awarded fees in the amount of \$945.73 (nine hundred forty-five dollars and
7 seventy-three cents). Unless the Department of Treasury determines Plaintiff owes a federal debt,
8 the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment
9 of fees and subject to the terms of the stipulated motion.

10
11 Dated: September 7, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE