

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODNEY LEN FLOOD,
Plaintiff
v.
COMMISSIONER OF
SOCIAL SECURITY,
Defendant

No. 1:21-cv-00017-AWI-HBK

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

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

COMMISSIONER OF
SOCIAL SECURITY,

(Doc. No. 26)

Pending before the court is the parties' stipulated motion for attorney fees, filed on July 25, 2022. (Doc. No. 26). The parties agree to an award attorney's fees and expenses to Plaintiff's attorney in the amount of \$6,489.80 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

On April 25, 2022, 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. 24). Plaintiff now requests an

1 award of fees as the prevailing party under that order. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed.
2 R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993)
3 (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a
4 prevailing party).

5 The Commissioner does not oppose the requested relief. (*See* Doc. No. 26). After
6 issuance of an order awarding EAJA fees and costs, the United States Department of the Treasury
7 will determine whether plaintiff owes a debt to the government. If plaintiff has no discernable
8 federal debt, the government will accept plaintiff's assignment of EAJA fees and pay the fees
9 directly to plaintiff's counsel.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's stipulated motion for attorney fees and expenses (Doc. No. 26) is GRANTED.
12 2. Plaintiff is awarded fees in the amount of six thousand four-hundred eighty-nine dollars
13 and eighty cents (\$6,489.80) in attorney fees and expenses; and
14 3. Unless the Department of Treasury determines that plaintiff owes a federal debt, the
15 government must pay the fees to plaintiff's counsel in accordance with plaintiff's
16 assignment of fees and subject to the terms of the stipulated motion.

17

18 IT IS SO ORDERED.

19 Dated: August 2, 2022



20 SENIOR DISTRICT JUDGE

21

22

23

24

25

26

27

28