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10 UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 FRESNO DIVISION

13 Scott Leslie Ingham,
 14 Plaintiff,
 15 v.
 16 Kilolo Kijakazi, Acting Commissioner of
 17 Social Security,
 18 Defendant.

19 Case No. 1:21-cv-00161-EPG
 20 STIPULATION FOR THE AWARD AND
 21 PAYMENT OF ATTORNEY FEES AND
 22 EXPENSES PURSUANT TO THE EQUAL
 23 ACCESS TO JUSTICE ACT; ORDER
 24 (ECF No. 11)

25 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 26 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount
 27 of THREE HUNDRED TWENTY DOLLARS and 61/100 (\$320.61) under the Equal Access to
 28 Justice Act (EAJA), 28 U.S.C. § 2412(d), and cost in the amount of FOUR HUNDRED DOLLARS
 (\$400.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal services
 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
 whether the fees are subject to any offset allowed under the United States Department of the

1 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
2 whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
4 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
5 and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any
6 payments made shall be delivered to Plaintiff's counsel, Jonathan O. Peña.

7 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
8 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
9 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
10 and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA
11 attorney fees in connection with this action.

12 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social
13 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
14 EAJA.

15 Respectfully submitted,

17 Dated: September 2, 2021

/s/ Jonathan O. Peña

18 JONATHAN O. PEÑA
19 Attorney for Plaintiff

20 Dated: September 2, 2021

PHILLIP A. TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

23 By: *Ellinor R. Coder

24 Ellinor R. Coder
25 Special Assistant U.S. Attorney
26 Attorneys for Defendant
27 (*Permission to use electronic signature
28 obtained via email on September 2, 2021).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (ECF No. 11), IT IS ORDERED that fees and expenses in the amount of THREE HUNDRED TWENTY DOLLARS and 61/100 (\$320.61) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and cost in the amount of FOUR HUNDRED DOLLARS (\$400.00) under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: September 3, 2021

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE