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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

Oralia Lopez,

Plaintiff,

v.

Leland Dudek<sup>1</sup>, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:24-cv-00342-KES-CDB

**STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY  
FEES AND EXPENSES PURSUANT  
TO THE EQUAL ACCESS TO  
JUSTICE ACT; ORDER**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SEVEN THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS AND 44/100 (\$7,177.44) under the Equal Access to

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Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Michelle King as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars  
2 (\$0.00) under 28 U.S.C. §1920. This amount represents compensation for all legal  
3 services rendered on behalf of Plaintiff by counsel in connection with this civil action,  
4 in accordance with 28 U.S.C. §§ 1920, 2412(d).

5 Plaintiff was the prevailing party in this matter and Plaintiff is an individual  
6 whose net worth does not exceed \$2,000,000 at the time the civil action was filed.

7 After the Court issues an order for EAJA fees to Plaintiff, the government will  
8 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney.  
9 Under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this  
10 Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program  
11 (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to  
12 Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order,  
13 the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to  
14 his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset  
15 under the Treasury Offset Program, and (3) agrees to waive the requirements of the  
16 Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney,  
17 JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA & BROMBERG, PC.  
18 However, if there is a debt owed under the Treasury Offset Program, the Commissioner  
19 cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining  
20 EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made  
21 out to Plaintiff, but delivered to Plaintiff's attorney, JONATHAN O. PEÑA-  
22 MANCINAS at the firm, PEÑA & BROMBERG, PC.

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

3 The parties further agree that the EAJA award is without prejudice to the right of  
4 Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42  
5 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. §  
6 2412(c)(1) (2006).

7 Respectfully submitted,

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9 Dated: March 7, 2025

10 /s/ Jonathan O. Peña  
11 JONATHAN O. PEÑA  
12 Attorney for Plaintiff

13 Dated: March 7, 2025

14 MICHELE BECKWITH  
15 United States Attorney  
16 MATHEW W. PILE  
Associate General Counsel  
Office of Program Litigation  
Social Security Administration

17 By: \* Michael J. Mullen  
18 Michael J. Mullen  
19 Special Assistant U.S. Attorney  
20 Attorneys for Defendant  
21 (\*Permission to use electronic signature  
22 obtained via email on March 7, 2025).  
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## ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of SEVEN THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS AND 44/100 (\$7,177.44) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: March 10, 2025

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UNITED STATES DISTRICT JUDGE