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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

11 BRUCE McCOY,
 12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE,
 15 Commissioner of
 Social Security,
 16 Defendant.

CIVIL NO. 2:09-cv-441 DAD

STIPULATION AND ORDER APPROVING
 SETTLEMENT OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT

17 _____
 18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 19 subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 20 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND, TWO-HUNDRED SIXTY
 21 DOLLARS AND 91 CENTS (\$6,260.91). This amount represents compensation for all legal services
 22 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
 23 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 25 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney. Pursuant
 26 to Astrue v. Ratliff, 130 S. Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will
 27 depend on whether the fees and expenses are subject to any offset allowed under the United States
 28 Department of the Treasury’s Offset Program. After the order for EAJA fees and expenses is entered,
 the government will determine whether they are subject to any offset.

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

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

10 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
11 attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

12 Dated: January 25, 2011

/s/Bess M. Brewer
(As authorized via email)

14 BESS M. BREWER
Attorney for Plaintiff

16 BENJAMIN B. WAGNER
United States Attorney

17 Dated: January 25, 2011

By: */s/ Shea Lita Bond*
SHEA LITA BOND
Special Assistant United States Attorney

19 **ORDER**

20 Pursuant to the parties' Stipulation, IT IS ORDERED that Plaintiff shall be awarded attorney fees
21 in the amount of SIX THOUSAND, TWO-HUNDRED SIXTY DOLLARS AND 91 CENTS
22 (\$6,260.91), as authorized by 28 U.S.C. § 2412(d) and subject to the terms of the Stipulation. Plaintiff's
23 motion for attorney fees under the Equal Access to Justice Act (Doc. No. 23) is moot.

24 DATED: January 26, 2011.

26 
27 _____
DALE A. DROZD
28 UNITED STATES MAGISTRATE JUDGE