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4 Attorneys for Plaintiff

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 6 **IN THE UNITED STATES DISTRICT COURT**
 7 **EASTERN DISTRICT OF CALIFORNIA**

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 9 **JIMMIE LEON MARTIN**

Case No. CIV-09-1017 CMK

10
 11 **Plaintiff,**

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

12 **v.**

13
 14 **CAROLYN W. COLVIN,
 Acting Commissioner of SSA**

15
 16 **Defendant.**

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 18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 19 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal
 20 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TWELVE THOUSAND
 21 NINE HUNDRED SEVENTY SEVEN DOLLARS AND SEVENTEEN CENTS (**\$12, 977.17**).
 22 This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel
 23 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d). After the Court issues
 24 an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of
 25 Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v.*
 26 *Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on
 27 whether the fees and expenses are subject to any offset allowed under the United States Department
 28

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

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

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

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

14
15
16 Dated: January 29, 2015

/s/Bess M. Brewer

17 BESS M. BREWER

18 Attorney at Law

19 Attorney for Plaintiff

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21
22 Dated: January 29, 2015

Benjamin B. Wagner

23 United States Attorney

/s/ Jennifer A. Kenney

24 JENNIFER A. KENNEY

25 Special Assistant United States Attorney

26 Attorneys for Defendant
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of TWELVE THOUSAND NINE HUNDRED SEVENTY SEVEN DOLLARS AND SEVENTEEN CENTS (**\$12, 977.17**), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation

Dated: February 4, 2015


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE