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9 Attorneys for Defendant Commissioner of Social Security

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION

13 RAYMOND SANDERS,

14 Plaintiff,

15 v.

16 MICHAEL J. ASTRUE,
 Commissioner of
 17 Social Security,

18 Defendant.

CIVIL NO. 09-cv-01021-KJN

STIPULATION AND ~~PROPOSED~~ ORDER
 19 SETTLING ATTORNEY'S FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT, 28 U.S.C. § 2412(d)

20 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 under the Equal Access to
 21 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND ONE HUNDRED AND
 22 FIFTY-NINE DOLLARS AND SIXTY CENTS (\$4,159.60). This amount represents compensation for
 23 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 24 accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 26 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant
 27 to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether
 28 the fees and expenses are subject to any offset allowed under the United States Department of the

1 Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will
2 determine 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 to be made
5 directly to Bess Brewer, pursuant to the assignment executed by Plaintiff. Any payments made shall be
6 delivered to Plaintiff's counsel.

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

14 Respectfully submitted,

15 Dated: January 24, 2011

/s/ Bess Brewer
BESS BREWER
(As authorized via email)

17 Attorney for Plaintiff

18 Dated: January 24, 2011

BENJAMIN B. WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration
/s/Armand Roth
ARMAND ROTH
Special Assistant U.S. Attorney

22 Attorneys for Defendant

ORDER

Pursuant to the stipulation filed by the parties, IT IS HEREBY ORDERED that plaintiff's counsel, as assignee, shall be awarded attorney fees in the amount of FOUR THOUSAND ONE HUNDRED AND FIFTY-NINE DOLLARS AND SIXTY CENTS (\$4,159.60), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced stipulation.

IT IS SO ORDERED.

DATED: January 24, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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