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6
 7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE EASTERN DISTRICT OF CALIFORNIA
 9

10 NEANA M. OLIVER
 Plaintiff,
 11 vs.
 12 MICHAEL J. ASTRUE, Commissioner of
 Social Security,
 13 Defendant.
 14

Case No.:
 2:09-CV-01925-GGH

AMENDED
 STIPULATION AND ORDER FOR
 COURT ORDER FOR PAYMENT
 OF ATTORNEY FEES UNDER
 EQUAL ACCESS TO JUSTICE
 ACT. 28 U.S.C. 2412(d)

15 The previous stipulation, signed by the Court on December 6, 2010 and filed on
 16 December 9, 2010, contained a typographic error; the numbers "\$863.75" was
 17 incorrectly inserted in lieu of the correct amount "\$86.75". This amended stipulation is
 meant to replace the previously filed stipulation.

18 IT IS HEREBY STIPULATED by and between the parties through their
 19 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
 20 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in
 the amount of Five Thousand Two Hundred DOLLARS AND 00/CENTS (\$5200.00)[,
 21 and costs in the amount of Eighty-six DOLLARS AND 75/CENTS (\$86.75)]. This
 amount represents compensation for all legal services rendered on behalf of Plaintiff
 22 by counsel in connection with this civil action, in accordance with 28 U.S.C. §[§ 1920,]
 2412(d).

23 After the Court issues an order for EAJA fees and expenses [and costs] to
 24 Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees
 and expenses [and costs] to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, – S.Ct. –
 25 , 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the assignment will
 26 depend on whether the fees, expenses [and costs] are subject to any offset allowed
 under the United States Department of the Treasury's Offset Program. After the order
 27 for EAJA fees and expenses [and costs] is entered, the government will determine
 whether they are subject to any offset.

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

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

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

15 DATED: January 28, 2011

16 Respectfully submitted,

17 By: s/ Rick Peasley
18 [As authorized by phone on January 26, 2011]
19 RICK PEASLEY, Attorney for Plaintiff

20 DATED: January 28, 2011

21 BENJAMIN B. WAGNER
22 United States Attorney
23 LUCILLE GONZALES MEIS
24 Regional Chief Counsel, Region IX
25 Social Security Administration
26 By: s/ Jeffrey Chen
27 JEFFREY CHEN
Special Assistant U.S Attorney

ORDER

APPROVED AND SO ORDERED:

DATED: February 1, 2011

/s/ Gregory G. Hollows

HON. GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

Oliver.fees