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 9 Attorneys for Defendant

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

14	RAQUEL DANIELLE REED,)	
)	
15	Plaintiff,)	Case No. 2:10-cv-02282-DAD
)	
16	v.)	STIPULATION AND ORDER
)	FOR AWARD OF EAJA FEES
)	
18	CAROLYN W. COLVIN, ¹)	
	Commissioner of)	
19	Social Security,)	
)	
20	Defendant.)	
)	

22 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 23 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
 24 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND FOUR HUNDRED
 25 DOLLARS (\$5,400.00). This amount represents compensation for all legal services rendered on behalf
 26 of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

27 _____
 28 ¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.
 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted
 for Michael J. Astrue as the defendant in this suit. No further action need to 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 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
2 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant
3 to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether
4 the fees, expenses are subject to any offset allowed under the United States Department of the
5 Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will
6 determine whether they are subject to any offset.

7 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
8 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
9 fees to be made directly to Joseph Fraulob, pursuant to the assignment executed by Plaintiff. Any
10 payments made shall be delivered to Plaintiff's counsel.

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

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

18
19 DATE: February 22, 2013

/s/ Francesco Benavides for Joseph Fraulob*
JOSEPH FRAULOB
Attorney at Law
(* by email authorization on February 20, 2013)
Attorney for Plaintiff

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22
23 DATE: February 22, 2013

BENJAMIN B. WAGNER
United States Attorney
GRACE M. KIM
Regional Chief Counsel, Region IX
Social Security Administration

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27 By: /s/ Francesco P. Benavides
FRANCESCO P. BENAVIDES
Special Assistant U.S. Attorney

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Attorneys for Defendant

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ORDER

Based upon the parties' Stipulation for Award of EAJA Fees ("Stipulation"), IT IS ORDERED that Plaintiff is awarded attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") in the amount of FIVE THOUSAND FOUR HUNDRED (\$5,400.00), as authorized by 28 U.S.C. § 2412(d), and subject to the terms and conditions of the Stipulation.
Dated: February 26, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE