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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNIE SANCHEZ,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:13-cv-0786-KJN

ORDER

On February 5, 2016, the undersigned issued an order granting plaintiff’s December 19, 2016 motion for attorneys’ fees pursuant to 42 U.S.C. § 406(b) (EFC No. 25), awarding plaintiff’s counsel \$10,420.72 in attorneys’ fees pursuant to 42 U.S.C. § 406(b), directing plaintiff’s counsel to promptly pay to plaintiff the sum of \$6,425.54 that was previously awarded in this action pursuant to the Equal Access to Justice Act (“EAJA”), and directing the Clerk of Court to close this case. (ECF No. 28.) That order incorrectly directed plaintiff’s counsel to promptly pay to plaintiff the sum of \$6,425.54 that was previously awarded to plaintiff’s counsel in this action pursuant to the EAJA (ECF No. 24) based on an erroneous understanding that the

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1 total of \$10,420.72 in attorneys' fees requested through plaintiff's motion included fees already  
2 awarded under the EAJA and that plaintiff had not assigned the EAJA award to her counsel.<sup>1</sup>  
3 Accordingly, the February 5, 2016 order is vacated insofar as it directs plaintiff's counsel to  
4 promptly pay to plaintiff the sum of \$6,425.54 that was previously awarded to plaintiff's counsel  
5 in this action pursuant to the EAJA. All other aspects of that order, however, remain in full  
6 effect.<sup>2</sup>

7 For the reasons stated above, it is **HEREBY ORDERED** that:

- 8 1. The court's February 5, 2016 order awarding plaintiff's attorneys' fees pursuant to 42  
9 U.S.C. § 406(b) (ECF No. 28) is vacated insofar as it directs plaintiff's counsel to  
10 promptly pay to plaintiff the sum of \$6,425.54 that was previously awarded to  
11 plaintiff's counsel in this action pursuant to the EAJA.
- 12 2. All other aspects of court's February 5, 2016 order, including the award of \$10,420.72  
13 in attorneys' fees to plaintiff's counsel pursuant to 42 U.S.C. § 406(b), remain in full  
14 effect.

15 **IT IS SO ORDERED.**

16 Dated: February 9, 2016

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18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> On February 5, 2016, plaintiff's counsel contacted the court via telephone to clarify that the  
24 \$10,420.72 in attorneys' fees sought through plaintiff's motion was based on a deduction of the  
25 EAJA fees already awarded from the total sum of attorneys' fees accrued. Further review of  
26 plaintiff's motion demonstrates that plaintiff's request for \$10,420.72 in attorneys' fees did  
27 contemplate an offset of the previously-awarded EAJA fees from the sum total of attorneys' fees  
28 accrued over the course of this litigation. (See ECF No. 25 at 1.)

<sup>2</sup> The court's analysis in its February 5, 2016 order with regard to the reasonableness of the  
\$10,420.72 in attorneys' fees awarded is not impacted by the present order.