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besshelena@earthlink.net
Attorneys for Plaintiff

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

JOAO BATISTA
xxx-xx-0572

Plaintiff,

v.

CAROLYN W. COLVIN
ACTING COMMISSIONER OF SSA,
Defendant

Case No. 14-2441 AC

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

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND i FOUR HUNDRED EIGHTY NINE DOLLARS AND TWELVE CENTS (**\$6,489.12**). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d). After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program.

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

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

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

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Dated: December 14, 2016

/s/Bess M. Brewer
BESS M. BREWER
Attorney at Law
Attorney for Plaintiff

Dated: December 14, 2016

Phillip A. Talbert
Acting United States Attorney

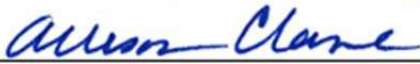
/s/ Timothy Bolin
TIMOTHY BOLIN
Special Assistant United States Attorney
Attorneys for Defendant

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of SIX THOUSAND FOUR HUNDRED EIGHTY NINE DOLLARS AND TWELVE CENTS (**\$6,489.12**) , as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

DATED: December 19, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE