

1 496 U.S. 154 (1990); *Hensley v. Eckerhart*, 461 U.S. 424 (1983); *Atkins v. Apfel*, 154 F.3d 986
2 (9th Cir. 1998). “[E]xcessive, redundant, or otherwise unnecessary” hours should be excluded
3 from a fee award, and charges that are not properly billable to a client are not properly billable to
4 the government. *Hensley*, 461 U.S. at 434.

5 Plaintiff was the prevailing party in this action. See ECF No. 25. Furthermore, the
6 government has failed to show that its position was substantially justified. See *Gutierrez v.*
7 *Barnhart*, 274 F.3d 1255, 1258 (9th Cir. 2001) (the burden of establishing substantial justification
8 is on the government). Although the Commissioner was directed to file an opposition or
9 statement of non-opposition to plaintiff’s motion for EAJA fees (ECF No. 28), no response was
10 filed. Thus, plaintiff’s motion is unopposed.

11 The court has independently reviewed the record and finds that both the hourly rate and
12 hours expended are reasonable in light of the results obtained.

13 Accordingly, it is hereby ORDERED that:

- 14 1. Plaintiff’s motion for attorney’s fees (ECF No. 27) is granted;
- 15 2. Plaintiff is awarded attorney’s fees and costs under the EAJA in the amount of
16 \$7,087.49; and
- 17 3. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), any payment shall be made payable
18 to plaintiff and delivered to plaintiff’s counsel, unless plaintiff does not owe a federal debt. If the
19 United States Department of the Treasury determines that plaintiff does not owe a federal debt,
20 the government shall accept plaintiff’s assignment of EAJA fees and pay fees directly to
21 plaintiff’s counsel.

22 DATED: November 13, 2017.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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