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 Attorneys for Plaintiff  
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5 **IN THE UNITED STATES DISTRICT COURT**  
 6 **EASTERN DISTRICT OF CALIFORNIA**

8 **WILLIAM LEROY HICKS** )  
 )  
 9 )  
 )  
 10 **Plaintiff,** )  
 )  
 11 **v.** )  
 )  
 12 )  
 )  
 13 **CAROLYN W. COLVIN** )  
**ACTING COMMISSIONER OF SSA,** )  
 14 **Defendant.** )  
 15

**Case No. 2:15-cv-0978 AC**

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

16 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
 17 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal  
 18 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND  
 19 DOLLARS AND ZERO CENTS (**\$5,000.00**). This amount represents compensation for all legal  
 20 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance  
 21 with 28 U.S.C. § 2412(d). After the Court issues an order for EAJA fees and expenses to Plaintiff,  
 22 the government will consider the matter of Plaintiff’s assignment of EAJA fees and expenses to  
 23 Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to  
 24 honor the assignment will depend on whether the fees and expenses are subject to any offset allowed  
 25 under the United States Department of the Treasury’s Offset Program.  
 26

27 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
 28 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of

1 fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed  
2 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

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12 Dated: January 18, 2017

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

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16 Dated: January 18, 2017

Phillip A. Talbert  
Acting United States Attorney

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/s/ Jeffrey Chen  
JEFFREY CHEN  
Special Assistant United States Attorney

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Attorneys for Defendant


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**ORDER**

22 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees  
23 in the amount FIVE THOUSAND DOLLARS AND ZERO CENTS (\$5,000.00), as authorized by  
24 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

25 DATED: January 18, 2017

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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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