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9 Attorneys for Defendant

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 11 UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 Sacramento Division

13 CAROL ANN LOPEZ,

No. 2:15-cv-2080-DB

14 Plaintiff,

15 STIPULATION AND ORDER FOR THE
 AWARD OF ATTORNEY FEES UNDER
 16 THE EQUAL ACCESS TO JUSTICE ACT
 (EAJA)

17 v.

28 U.S.C. § 2412(d)

18 NANCY A. BERRYHILL, Acting
 Commissioner of Social Security,

19 Defendant.

20 TO THE HONORABLE DEBORAH BARNES, MAGISTRATE JUDGE OF
 21 THE UNITED STATES DISTRICT COURT:
 22

23 The Parties through their undersigned counsel, subject to the Court's approval,
 24 stipulate that Plaintiff be awarded attorney fees in the amount of FIVE THOUSAND
 25 DOLLARS (\$5,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.
 26 § 2412(d). This amount represents compensation for all legal services rendered on
 27 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
 28 U.S.C. § 2412(d).

1 After the Court issues an order for EAJA fees to Plaintiff, the government will
2 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
3 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
4 to honor the assignment will depend on whether the fees are subject to any offset
5 allowed under the United States Department of the Treasury's Offset Program. After
6 the order for EAJA fees is entered, the government will determine whether they are
7 subject to any offset.

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

13 This stipulation constitutes a compromise settlement of Plaintiff's request for
14 EAJA fees, and does not constitute an admission of liability on the part of Defendant
15 under the EAJA. Payment of FIVE THOUSAND DOLLARS (\$5,000.00) in EAJA
16 attorney fees shall constitute a complete release from, and bar to, any and all claims that
17 Plaintiff and Plaintiff's attorney, Jonathan Pena, may have relating to EAJA attorney
18 fees in connection with this action.

19 This award is without prejudice to the rights of Plaintiff's attorney to seek Social
20 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
21 provisions of the EAJA.
22

23 Respectfully submitted,

24 Dated: May 8, 2016

25 /s/ Jonathan O. Peña
26 JONATHAN O. PEÑA
27 Attorney for Plaintiff
28

1 Dated: May 8, 2017

PHILLIP A. TALBERT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

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5 By: /s/ Ben A. Porter
6 BEN A. PORTER
7 Special Assistant U.S. Attorney
8 Attorneys for Defendant

9 **ORDER**

10 Pursuant to the parties' stipulation, (ECF No. 20), IT IS SO ORDERED.

11 DATED: May 9, 2017

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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