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4 Attorney for MIKE GREEN

5 UNITED STATE DISTRICT COURT
 6 EASTERN DISTRICT OF CALIFORNIA

7 MIKE GREEN,
 Plaintiff,

8 vs.

9 COMMISSIONER OF SOCIAL SECURITY,
 10 Defendant

Case No.: **2:17-CV-01992-EFB**

STIPULATION AND PROPOSED ORDER
 FOR PAYMENT OF PLAINTIFF'S
 ATTORNEY FEES

11
 12 To the Honorable EDMUND F. BRENNAN, it is hereby stipulated by and between the
 13 parties through their undersigned counsel, subject to the approval of the Court, that MIKE
 14 GREEN be awarded attorney fees and expenses in the amount of \$5,750.00 under the Equal
 15 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
 16 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 accordance with 28 U.S.C. §§ 1920; 2412(d).

17 After the Court issues an order for EAJA fees to MIKE GREEN, the government will
 18 consider the matter of assignment of EAJA fees to PETER BRIXIE. The retainer agreement
 19 containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
 20 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to
 21 any offset allowed under the United States Department of the Treasury's Offset Program. After
 the order for EAJA fees is entered, the government will determine whether they are subject to
 any offset.

22 Fees shall be made payable to MIKE GREEN, but if the Department of the Treasury
 23 determines that MIKE GREEN does not owe a federal debt, then the government shall cause the
 24 payment of fees, expenses and costs to be made directly to PETER BRIXIE pursuant to the
 25

1 assignment executed by MIKE GREEN Any payments made shall be delivered to PETER
2 BRIXIE

3 This stipulation constitutes a compromise settlement of MIKE GREEN vs.
4 COMMISSIONER OF SOCIAL SECURITY request for EAJA attorney fees, and does not
5 constitute an admission of liability on the part of Defendant under the EAJA or
6 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to,
7 any and all claims that MIKE GREEN may have relating to EAJA attorney fees in connection
8 with this action. This award is without prejudice to the rights of PETER BRIXIE to seek Social
9 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
10 the EAJA.

11 Respectfully submitted,

12 Dated: 4/23/2019

13 By: /s/ Peter Brixie
14 PETER E. BRIXIE
15 Attorney at Law
16 Attorney for Plaintiff

17 Dated: 4/23/2019

18 /s/Jennifer A. Kenney
19 JENNIFER A. KENNEY
20 Special Assistant United States Attorney
21 Attorneys for Defendant

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23 APPROVED AND SO ORDERED

24 Dated: April 23, 2019.

25 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE