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5 Attorney for Plaintiff,  
 6 ELVIA CHAVEZ

7 IN THE UNITED STATES DISTRICT COURT  
 8 EASTERN DISTRICT OF CALIFORNIA

9 ELVIA CHAVEZ,  
 10 Plaintiff,  
 11 v.  
 12 KILOLO KIJAKAZI,  
 13 Acting Commissioner of the Social Security  
 Administration,  
 14 Defendant.

Case No.: 2:20-cv-01843-CKD

STIPULATION AND ORDER FOR THE  
 AWARD OF ATTORNEY FEES PURSUANT  
 TO THE EQUAL ACCESS TO JUSTICE  
 ACT, 28 U.S.C. § 2412

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
 17 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees, expenses, and  
 18 costs in the above-entitled action in the amount of \$7,320.85, which total amount the parties  
 19 stipulate consists of \$6,900.00 in fees and \$20.85 in expenses under the Equal Access to Justice Act  
 20 (EAJA), 28 U.S.C. § 2412(d), together with \$400.00 in costs as authorized by 28 U.S.C. §§ 1920,  
 21 2412(a). This amount represents compensation for all legal services and expenses incurred on  
 22 behalf of Plaintiff by counsel in connection with this civil action.

23 Upon the Court’s issuance of an order granting EAJA fees to Plaintiff, the government will  
 24 determine the issue of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to Astrue  
 25 v. Ratliff, 560 U.S. 586, 597-598 (2010), the ability to honor the assignment will depend on if the  
 26 fees are subject to any offset allowed under the United States Department of the Treasury’s Offset  
 27 Program. After the order for EAJA fees is entered, the government will determine whether they are  
 28 subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
2 that Plaintiff does not owe a federal debt, then the government will cause the payment of fees to be  
3 made directly to Plaintiff's attorney, LAW OFFICE OF JARED T. WALKER, P.C., pursuant to the  
4 assignment executed by Plaintiff. Any payments made to Plaintiff will be delivered to JARED T.  
5 WALKER.

6 This stipulation constitutes a settlement of Plaintiff's request for EAJA attorney fees and  
7 does not constitute an admission of liability on the part of defendant under the EAJA or otherwise.  
8 Payment of the agreed amount will constitute a complete release from, and bar to, any and all claims  
9 that Plaintiff and/or Plaintiff's attorney, including LAW OFFICE OF JARED T. WALKER, P.C.,  
10 may have relating to EAJA attorney fees in connection with this action.

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

13 Dated: November 18, 2021

Respectfully submitted,

14 /s/ Jared Walker

15 JARED T. WALKER,  
Attorney for Plaintiff

16 SO STIPULATED:

17 PHILLIP A. TALBERT  
18 Acting United States Attorney  
19 DEBORAH LEE STACHEL  
20 Regional Chief Counsel, Region IX  
Social Security Administration

21 By: /s/ \*Margaret Lehrkind  
22 MARGARET LEHRKIND  
23 (\*authorized by e-mail on 11/18/2021)  
Special Assistant United States Attorney

24 Attorneys for Defendant  
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**ORDER**

Based upon the parties' Stipulation for Award of Attorney Fees pursuant to the Equal Access to Justice Act (EAJA),

IT IS ORDERED that Plaintiff is awarded \$6,900.00 in fees and \$20.85 in expenses under 28 U.S.C. § 2412(d), as well as \$400.00 in costs as authorized by 28 U.S.C. §§ 1920, 2412(a), for a total amount of **\$7,320.85** awarded to plaintiff pursuant to this Order, inclusive of all amounts claimed, subject to and in accordance with the terms of the parties' foregoing Stipulation.

Dated: November 19, 2021



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE