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10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

11 KEVIN DOWNS,)	No. 2:24-cv-0772-DB
)	
12 Plaintiff,)	JOINT STIPULATION FOR THE
)	AWARD AND PAYMENT OF
13 v.)	ATTORNEY FEES PURSUANT TO
)	THE EQUAL ACCESS TO
14 MARTIN O'MALLEY,)	JUSTICE ACT, 28 U.S.C. § 2412(d),
15 Commissioner of Social Security,)	AND COSTS PURSUANT TO 28
)	U.S.C. § 1920; AND ORDER
16 Defendant.)	
)	

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21 IT IS HEREBY STIPULATED by and between the parties through their
 22 undersigned counsel, subject to the approval of the Court, that Plaintiff be
 23 awarded attorney fees and expenses under the Equal Access To Justice Act
 24 (EAJA), 28 U.S.C. § 2412(d), in the amount of EIGHT HUNDRED
 25 TWENTY-SEVEN DOLLARS and FORTY-THREE CENTS (\$827.43) and
 26 costs under 28 U.S.C. § 1920, in the amount of FOUR HUNDRED FIVE
 27 DOLLARS AND NO CENTS (\$405.00). This amount represents
 28

1 compensation for all legal services rendered on behalf of Plaintiff by counsel
2 in connection with this civil action, in accordance with 28 U.S.C § 2412(d)
3 and § 1920.

4 After the Court issues an order for EAJA fees to Plaintiff, the government
5 will consider the matter of Plaintiff's assignment of EAJA fees to the Law Offices
6 of Troy D. Monge. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the
7 ability to honor the assignment will depend on whether the fees are subject to any
8 offset allowed under the United States Department of the Treasury's Offset
9 Program. After the order for EAJA fees is entered, the government will determine
10 whether they are subject to offset.

11 Fees shall be made payable to Plaintiff, but if the Department of the
12 Treasury determines that Plaintiff does not owe a federal debt, then the
13 government shall cause the payment of fees, expenses and costs to be made
14 directly to the Law Offices of Troy D. Monge, pursuant to the assignment
15 executed by Plaintiff. Any payments made shall be delivered to Attorney Troy
16 Monge at the Law Office of Troy D. Monge.

17 This stipulation constitutes a compromise settlement of Plaintiff's request
18 for EAJA attorney fees, and does not constitute an admission of liability on the
19 part of Defendant under the EAJA or otherwise. Payment of the agreed amount
20 shall constitute a complete release from, and bar to, any and all claims that
21 Plaintiff and/or Plaintiff's counsel, including Law Offices of Troy D. Monge,
22 may have relating to EAJA attorney fees in connection with this action.

23 This award is without prejudice to the rights of Plaintiff and/or Counsel to
24 seek Social Security Act attorney fees under 42 U.S.C. section 406(b), subject to
25 the savings clause provisions of the EAJA.

26 I have spoken with Plaintiff, and he has assured me that his net worth is less
27 than two million dollars. (28 U.S.C. §2412(d)(2)(B)(i)).
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2 Counsel for plaintiff accepts any payment of costs to be made either by
3 electronic fund transfer (EFT) or by check.
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5 Respectfully submitted,

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7 Dated: May 30, 2024

/s/troymonge
TROY MONGE
Attorney for Plaintiff

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9
10 Dated: May 30, 2024

11 PHILLIP A. TALBERT
12 United States Attorney
13 MATHEWW. PILE
14 Associate General Counsel
15 Office of Program Litigation, Office 7

16 */s/justinlmartin*
17 JUSTIN L. MARTIN¹
18 Special Assistant United States Attorney
19 * by email authorization on May 29, 2024
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27 _____
28 ¹ Pursuant to Local Rule 5-4.3.4(a)(i), the filer attests that all other signatories listed, and whose behalf the filing is submitted, concur in the filing's contents and have authorized the filing.

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$827.43, as authorized by 28 U.S.C. § 2412, and \$405.00 in costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

DATED: June 4, 2024

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE