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7 Attorney for Plaintiff  
 8 LEEANN KIAHA BORBA

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

12 LEEANN KIAHA BORBA,  
 13 Plaintiff,  
 14 v.  
 15 LELAND DUDEK, Acting  
 16 Commissioner of Social Security,  
 17 Defendant.

Case No. 2:24-cv-02517-CKD

STIPULATION FOR THE AWARD AND  
 PAYMENT OF ATTORNEY FEES AND  
 EXPENSES PURSUANT TO THE  
 EQUAL ACCESS TO JUSTICE ACT;  
 ORDER

18 IT IS HEREBY STIPULATED by and between the parties through their  
 19 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
 20 attorney fees and expenses in the amount of \$7,000.00, under the Equal Access to  
 21 Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This  
 22 amount represents compensation for all legal services rendered on behalf of Plaintiff by  
 23 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d),  
 24 1920.  
 25

26 After the Court issues an order for EAJA fees to Plaintiff, the government will  
 27 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to  
 28 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability

1 to honor the assignment will depend on whether the fees are subject to any offset  
2 allowed under the United States Department of the Treasury's Offset Program. After  
3 the order for EAJA fees is entered, the government will determine whether they are  
4 subject to any offset.

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
6 determines that Plaintiff does not owe a federal debt, then the government shall cause  
7 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel,  
8 Francesco Benavides, pursuant to the assignment executed by Plaintiff. Payments  
9 may be made by electronic fund transfer (EFT) or by check.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for  
11 EAJA attorney fees and does not constitute an admission of liability on the part of  
12 Defendant under the EAJA or otherwise. Payment of the agreed amount shall  
13 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or  
14 Francesco Benavides, including the Law Offices of Francesco Benavides, may have  
15 relating to EAJA attorney fees in connection with this action.

16 This award is without prejudice to the rights of Francesco Benavides to seek  
17 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings  
18 clause provisions of the EAJA.

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20 Respectfully submitted,

21  
22 Dated: March 4, 2025

23 Law Offices of Francesco Benavides

24 By: /s/ Francesco Benavides  
25 FRANCESCO P. BENAVIDES  
26 Attorney for Plaintiff  
27  
28

1 Dated: March 4, 2025

MICHELLE BECKWITH  
Acting United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

5  
6 By: David Priddy\*  
7 DAVID PRIDDY  
8 Special Assistant U.S. Attorney  
9 Attorneys for Defendant  
10 (\*Permission to use electronic signature  
11 obtained via email on March 4, 2025).  
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**ORDER**

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2 Based upon the parties' Stipulation for the Award and Payment of Equal Access  
3 to Justice Act Fees and Expenses, **IT IS ORDERED** that:  
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- 5 1. The parties' stipulation for EAJA fees (ECF No. 17) is GRANTED; and  
6 2. Fees and expenses in the amount of \$7,000.00 as authorized by 28 U.S.C. §  
7 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of  
8  
9 the Stipulation.

10 Dated: March 7, 2025



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12 CAROLYN K. DELANEY  
13 UNITED STATES MAGISTRATE JUDGE  
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