

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

MARK A. MONTGOMERY,

Plaintiff,

Case No. CV 10-1037-SI

vs.

ORDER

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

Based upon the Stipulation of the parties, it is hereby

ORDERED that attorney fees in the amount of **\$7,121.71** are hereby awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

FURTHER ORDERED, that if it is determined that Plaintiff's EAJA fees are not subject to any offset allowed under the Department of Treasury's Offset Program, the check for EAJA fees shall be made payable to Richard A. Sly, Plaintiff's attorney, based upon Plaintiff's assignment of these amounts. See *Astrue v. Ratliff*, 130 U.S. 2521 (June 14, 2010). There are no costs or expenses to be paid herein.

Dated: April 2, , 2012.

/s/ Michael H. Simon

MICHAEL H. SIMON

United States District Judge

PRESENTED BY:

s/ Richard A. Sly

RICHARD A. SLY, OSB #63074

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Of Attorneys for Plaintiff