

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

DAVID E. LEWIS, JR.,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 2:15-cv-01202 JRC

ORDER ON STIPULATED MOTION  
FOR EQUAL ACCESS TO JUSTICE  
ACT FEES

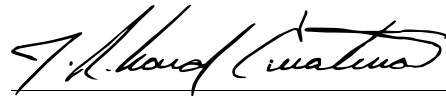
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff’s Stipulated Motion for Equal Access to Justice Act Fees (*see* Dkt. 15).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 15), the attorney declaration and time itemizations (Dkt. 15, Attachments 2, 3), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$3,967.34 shall

1 be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct.  
2 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for  
4 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined  
5 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the  
6 Treasury's Offset Program, then the check for EAJA fees shall be made payable to David Oliver,  
7 Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (*see* Plaintiff's  
8 Declaration Regarding Net Worth and Payment of EAJA Fees, Dkt. 15, Attachment 4). If there  
9 is an offset, the remainder shall be made payable to plaintiff, based on the practice of the  
10 Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA  
11 fees shall be mailed to plaintiff's counsel, David Oliver, Esq., at David Oliver & Associates,  
12 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409.

13 Dated this 8th day of March, 2016.

14 

15 J. Richard Creatura  
16 United States Magistrate Judge