

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9

10 MARK C. ZINK,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting  
14 Commissioner of the Social Security  
Administration,

15 Defendant.

CASE NO. 2:16-CV-01471 JRC

ORDER ON STIPULATED MOTION  
FOR EQUAL ACCESS TO JUSTICE  
ACT FEES AND COSTS

16  
17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
18 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge  
and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

19 This matter is before the Court on plaintiff's Stipulated Motion for Attorney Fees and Costs (*see*  
20 Dkt. 19).  
21

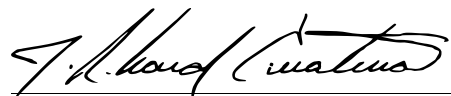
22 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the stipulation of  
23 the parties (*see* Dkt. 19), the time and costs itemizations (Dkt. 19, Attachments 2, 4), and the  
24 relevant record, it is hereby ORDERED that EAJA attorney's fees of \$2,838.99 shall be awarded

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

3 It is further ORDERED that costs in the amount of \$48.17 shall be awarded to plaintiff  
4 pursuant to 28 U.S.C. §1920.

5 The Acting Commissioner shall contact the Department of Treasury after the Order for  
6 EAJA fees and costs is entered to determine if the EAJA fees and costs are subject to any offset.  
7 If it is determined that plaintiff's EAJA fees and costs are not subject to any offset allowed  
8 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees and  
9 costs shall be made payable to Francisco Rodriguez, Esq., based on plaintiff's assignment of  
10 these amounts to plaintiff's attorney (*see* Contract of Employment – Federal Court Only, Dkt.  
11 19, Attachment 3). If there is an offset, the remainder shall be made payable to plaintiff, based  
12 on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4).  
13 Any check for EAJA fees and costs shall be mailed to plaintiff's counsel, Francisco Rodriguez,  
14 Esq., at Law Office of Francisco Rodriguez, P.O. Box 31844, Seattle, WA 98103.

15 Dated this 7th day of November, 2017.

16 

17 J. Richard Creatura  
18 United States Magistrate Judge  
19  
20  
21  
22  
23  
24