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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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10 AUDREY GRACE WARE,

11 Plaintiff,

12 v.

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

15 Defendant.

CASE NO. 2:16-cv-01475 JRC

ORDER ON UNOPPOSED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES AND
EXPENSES

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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. 7; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8).

19 This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to Equal
20 Access to Justice Act, 28 U.S.C. § 2412. *See* Dkt. 21. Defendant has no objection to plaintiff's
21 motion. *See* Dkt. 23.

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23 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Unopposed
24 motion (*see* Dkts. 21, 23), the attorney affirmation and time and expense itemizations (Dkt. 22,

1 Attachments 1, 2, 3, 4), and the relevant record, it is hereby ORDERED that EAJA attorney's
2 fees of \$5,363.46 and expenses in the amount of \$19.29, shall be awarded to plaintiff pursuant to
3 the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at
4 ***6-***7 (2010).

5 The Acting Commissioner agrees to contact the Department of Treasury after the Order
6 for EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to
7 any offset. If it is determined that plaintiff's EAJA fees 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 expenses shall be made payable to Howard D. Olinsky, Esq., based on plaintiff's assignment of
10 these amounts to plaintiff's attorney (*see Plaintiff's Affirmation and Waiver of Direct Payment*
11 *of EAJA Fees*, Dkt. 22, Attachment 5). If there is an offset, the remainder shall be made payable
12 to plaintiff, based on the practice of the Department of the Treasury (*see, e.g., Case No. 2:15-cv-*
13 *122*, Dkt. 22, p. 4). Any check for EAJA fees and expenses shall be mailed to plaintiff's counsel,
14 Howard D. Olinsky, Esq., at Olinsky Law Group, 300 South State Street, Suite 420, Syracuse,
15 NY 13202.

16 Dated this 27th day of July, 2017.

17 

18 J. Richard Creatura
19 United States Magistrate Judge