

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

10 LETICIA ERMEY,

11 Plaintiff,

12 v.

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

15 Defendant.

CASE NO. 3:16-cv-05865 JRC

ORDER ON UNOPPOSED 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. 5).

19 This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Fees (*see*
20 Dkt. 15). Defendant has no objection to plaintiff's motion (*see* Dkt. 18).

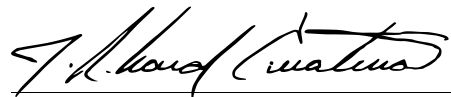
21
22 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion
23 (*see* Dkt. 15), the attorney declaration (*see* Dkt. 16), the memorandum of law in support of the
24 motion (*see* Dkt. 17), the time and costs itemizations (*see* Dkt. 15, Attachment 1), and the

1 relevant record, it is hereby ORDERED that EAJA attorney's fees of \$5,528.05 shall be awarded
2 to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524,
3 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

4 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
5 pursuant to 28 U.S.C. §1920.

6 The Acting Commissioner shall contact the Department of Treasury after the Order for
7 EAJA fees and costs is entered to determine if the EAJA fees and costs are subject to any offset.
8 If it is determined that plaintiff's EAJA fees and costs are not subject to any offset allowed
9 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees and
10 costs shall be made payable to D. James Tree, Esq., based on plaintiff's assignment of these
11 amounts to plaintiff's attorney (*see* Written Fee Agreement, Dkt. 15, Attachment 2). If there is
12 an offset, the remainder shall be made payable to plaintiff, based on the practice of the
13 Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA
14 fees shall be direct deposited into the Tree Law Office account or mailed to plaintiff's counsel,
15 D. James Tree, Esq., at Tree Law Office, 3711 Englewood Avenue, Yakima, WA 98902.

16 Dated this 5th day of December, 2017.

17 

18 J. Richard Creatura
19 United States Magistrate Judge