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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ARTHUR CALDWELL,

Plaintiff,

v.

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

Defendant.

CASE NO. 3:17-CV-05178-JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES

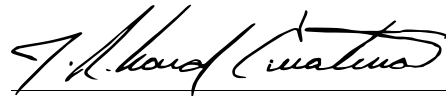
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Order on Consent to Proceed Before a United States Magistrate Judge, Dkt. 13). This matter is before the Court on plaintiff’s Stipulated Motion for Attorney Fees Under 28 U.S.C. § 2412(d) (*see* Dkt. 16).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 16), the time itemization (Dkt. 16, Attachment 2), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$548.66 shall be awarded to plaintiff pursuant

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

3 The Acting Commissioner agrees to contact the Department of Treasury after the Order
4 for EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is
5 determined that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the
6 Department of the Treasury's Offset Program, then the check for EAJA fees shall be made
7 payable to Kevin Kerr, Esq., based on plaintiff's assignment of these amounts to plaintiff's
8 attorney (*see* Social Security Fee Agreement, Dkt. 16, Attachment 1). If there is an offset, the
9 remainder shall be made payable to plaintiff, based on the practice of the Department of the
10 Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be
11 mailed to plaintiff's counsel, Kevin Kerr, Esq., at Schneider, Kerr & Robichaux, P.O. Box
12 14490, Portland, OR 97293.

13 Dated this 5th day of September, 2017.

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15 J. Richard Creatura
16 United States Magistrate Judge

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20 J. Richard Creatura
21 United States Magistrate Judge
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