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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JEFFREY NELSON,  
Plaintiff,

v.

NANCY A. BERRYHILL, Deputy  
Commissioner of Social Security for  
Operations,  
Defendant.

CASE NO. 3:17-cv-05386-JRC

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

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. 3; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5). This matter is before the Court on plaintiff’s Stipulated Motion for Equal Access to Justice Act Fees and Costs (*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), and the relevant record, it is hereby ORDERED that EAJA attorney’s

1 fees of \$3,935.80 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue*  
2 *v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

3 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff  
4 pursuant to 31 U.S.C. § 1304 and 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 the check for costs) shall be made payable to Dellert Baird Law Offices, PLLC, based on  
10 plaintiff's assignment of these amounts to plaintiff's attorney (*see* Dkt. 15). If there is an offset,  
11 the remainder shall be made payable to plaintiff, based on the practice of the Department of the  
12 Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees (and any  
13 check for costs) shall be mailed to plaintiff's counsel, Christopher H. Dellert, Esq., at Dellert  
14 Baird Law Offices, PLLC, P.O. Box 97301, Lakewood, WA 98497.

15 Dated this 16th day of April, 2018.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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