

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Jacqueline L. Davis v. Commissioner of Social Security

Davis · No. 2:24-cv-03791-DMC · Decided September 10, 2025

OPINION

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Attorney for Plaintiff 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JACQUELINE L. DAVIS, No. 2:24-cv-03791-DMC 12 Plaintiff, 13
STIPULATION AND ORDER FOR v. THE AWARD OF ATTORNEY FEES 14 PURSUANT TO
THE EQUAL COMMISSIONER OF SOCIAL 15 SECURITY, ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d), AND COSTS 16 Defendant.

PURSUANT TO 28 U. S. C. § 1920 17 18 19 IT IS HEREBY STIPULATED by and between the
parties through their 20 21 undersigned counsel, subject to the approval of the Court, that Plaintiff
be awarded 22 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
23 in the amount of THREE THOUSAND THREE HUNDRED SEVENTY-FOUR 24 25
DOLLARS AND SIXTY-FIVE CENTS (\$3,374.65) and costs under 28 U.S.C. § 26 1920 in the
amount of FOUR HUNDRED FIVE DOLLARS (\$405.00).

These 27 amounts represent compensation for all legal services rendered and costs incurred 28 1
on behalf of Plaintiff, to date, by counsel in connection with this civil action, in 2 accordance with
28 U.S.C. §§ 2412(d) and 1920. 3 After the Court issues an order for EAJA fees and expenses to
Plaintiff, the 4 5 government will consider the matter of Plaintiff's assignment of EAJA fees,
costs, 6 and expenses to Plaintiff's attorney.

Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 7 8 (2010), the ability to honor the assignment will
depend on whether the fees are 9 subject to any offset allowed under the United States Department
of the Treasury's 10 Offset Program.

After the order for EAJA fees and expenses is entered, the 11 12 government will determine
whether they are subject to any offset. 13 Fees and expenses shall be made payable to Plaintiff,
but if the Department 14 of the Treasury determines that Plaintiff does not owe a federal debt, then
the 15 16 government shall cause the payment of fees to be made directly to Plaintiff's 17 counsel,
John D. Metsker, pursuant to the assignment executed by Plaintiff.

Any 18 payments made shall be delivered to Plaintiff's counsel. 19 20 This stipulation constitutes
a compromise settlement of Plaintiff's request for 21 EAJA attorney fees and expenses, and does

not constitute an admission of liability 22 on the part of Defendant under the EAJA. Payment of the agreed amount shall 23 24 constitute a complete release from, and bar to, any and all claims that Plaintiff 25 and/or Plaintiff's counsel may have relating to EAJA attorney fees, costs, and 26 expenses in connection with this action.

27 28 ///// This award is without prejudice to the rights of Plaintiff's counsel to seek 2 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset 3 4 | provisions of the EAJA. 5 6. Respectfully submitted, 7 8 | Dated: September 5, 2025 /s/ John David Metsker 9 JOHN DAVID METSKER Attorney for Plaintiff 10 11 12 | Dated: September 5, 2025 /s/ Edmund Darcher* 13 EDMUND DARCHER *As authorized via email on 14 September 5, 2025 15 Special Assistant United States Attorney 16 Attorney for Defendant 17 ORDER 18 19 Pursuant to the parties' stipulation, IT IS SO ORDERED.

20 22 DENNIS M. COTA 73 UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28