

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA, FRESNO DIVISION**

**Jasmine Rayan Garcia, on behalf of C.P.J.C., a minor child v. Leland
Dudek, Acting Commissioner of Social Security**

Garcia · No. 1:25-cv-00024-SKO · Decided March 26, 2025

OPINION

(SS) Garcia v. Commissioner of Social Security

PER CURIAM.

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francesco@benavidesdisabilitylaw.com 5 Attorney for Plaintiff

JASMINE RAYAN GARCIA

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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

9 10 JASMINE RAYAN GARCIA, on behalf of Case No. 1:25-cv-00024-SKO C.P.J.C., a minor
child,

11 STIPULATION AND UNOPPOSED MOTION

Plaintiff, FOR THE AWARD AND PAYMENT OF 12

ATTORNEY FEES AND EXPENSES

13 v. PURSUANT TO THE EQUAL ACCESS TO

JUSTICE ACT; ORDER

14 LELAND DUDEK, Acting Commissioner of Social Security, (Doc. 17) 15 Defendant. 16 17
IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, 18
subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the
amount 19 of \$2,185.61, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and
no costs under 20 28 U.S.C. § 1920. This amount represents compensation for all legal services
rendered on behalf of 21 Plaintiff by counsel in connection with this civil action, in accordance
with 28 U.S.C. §§ 2412(d), 22 1920. 23 After the Court issues an order for EAJA fees to Plaintiff,
the government will consider the 24 matter of Plaintiff's assignment of EAJA fees to counsel.
Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 25 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the
ability to honor the assignment will depend on 26 whether the fees are subject to any offset
allowed under the United States Department of the 27 Treasury's Offset Program. After the order
for EAJA fees is entered, the government will determine 1 Fees shall be made payable to Plaintiff,

but if the Department of the Treasury determines that 2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses 3 and costs to be made directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment 4 executed by Plaintiff. Payments may be made by electronic fund transfer (EFT) or by check. 5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney 6 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or 7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any 8 and all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco 9 Benavides, may have relating to EAJA attorney fees in connection with this action. 10 This award is without prejudice to the rights of Francesco Benavides to seek Social Security 11 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 12 13 Respectfully submitted, 14 15 Dated: March 24, 2025 Law Offices of Francesco Benavides 16 By: /s/ Francesco Benavides

FRANCESCO P. BENAVIDES

17 Attorney for Plaintiff 18 19 20 Dated: March 24, 2025 MICHELLE BECKWITH 21 Acting United States Attorney

22 MATHEW W. PILE

Associate General Counsel 23 Social Security Administration 24 By: Justin Martin*

JUSTIN MARTIN

25 Special Assistant U.S. Attorney 26 Attorneys for Defendant (*Permission to use electronic signature 27 obtained via email on March 24, 2025).

1 ORDER

2 Based upon the parties' Stipulation and Unopposed Motion for the Award and Payment of 3 Equal Access to Justice Act Fees and Expenses (Doc. 17), IT IS ORDERED that fees and expenses in 4 the amount of \$2,185.61 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be 5 awarded subject to the terms of the Stipulation. 6 IT IS SO ORDERED. 7 8 Dated: March 25, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27