

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

Consuelo Milen Huerta v. Commissioner of Social Security

Huerta · No. 2:25-cv-01486-AC · Decided November 25, 2025

OPINION

1 Paul Sachelari, CSBN 230083 Law Offices of Francesco Benavides 2 1990 N. California Blvd.,
8th Floor Walnut Creek, CA 94596 3 Tel: (925) 222-7071 Email: paul@sachelarilaw.com 4
Attorney for Plaintiff 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF
CALIFORNIA 8 9 CONSUELO MILEN HUERTA, Case No. 2:25-cv-01486-AC 10 Plaintiff,
STIPULATION FOR THE AWARD AND 11 PAYMENT OF ATTORNEY FEES AND 12 v.
EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED] 13
COMMISSIONER OF SOCIAL SECURITY, ORDER 14 Defendant.

15 16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, 17 subject to the approval of the Court, that Plaintiff be awarded attorney fees and
expenses in the amount 18 of \$9,600.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C.
§ 2412(d), and no costs under 19 28 U.S.C. § 1920. This amount represents compensation for all
legal services rendered on behalf of 20 Plaintiff by counsel in connection with this civil action, in
accordance with 28 U.S.C. §§ 2412(d), 21 1920.

22 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the 23
matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S.
586, 24 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
depend on 25 whether the fees are subject to any offset allowed under the United States
Department of the 26 27 Treasury's Offset Program.

After the order for EAJA fees is entered, the government will determine whether they are subject
to any offset. 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.

5 Payments may be made by electronic funds transfer (EFT) or by check. 6 This stipulation
constitutes a compromise settlement of Plaintiff's request for EAJA attorney 7 fees and does not
constitute an admission of liability on the part of Defendant under the EAJA or 8 otherwise.
Payment of the agreed amount shall constitute a complete release from, and bar to, any 9 and all
claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco 10
Benavides, may have relating to EAJA attorney fees in connection with this action.

11 This award is without prejudice to the rights of Francesco Benavides to seek Social Security 12
Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
13 Respectfully submitted, 14 Dated: October 27, 2025 Law Offices of Francesco Benavides 15
By: /s/ Paul Sachelari 16 PAUL SACHELARI Attorney for Plaintiff 17 18 Dated: October 27,
2025 ERIC GRANT 19 United States Attorney MATHEW W. PILE 20 Associate General Counsel
Social Security Administration 21 22 By: Erin Jurrens* ERIN JURRENS 23 Special Assistant
U.S. Attorney Attorneys for Defendant 24 (*Permission to use electronic signature obtained via
email on October 27, 2025).

25 26 27 1 [PROPOSED] ORDER 2 Based upon the parties' Stipulation for the Award and
Payment of Equal Access to Justice Act 3 || Fees and Expenses, IT IS ORDERED that fees and
expenses in the amount of \$9,600.00 as 4 || authorized by 28 U.S.C. § 2412, and no costs under 28
U.S.C. § 1920, be awarded subject to the terms 5 of the Stipulation. 6 7 8 || DATE: November 24,
2025 ~ ALLISON CLAIRE 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17
18 19 20 21 22 23 24 25 26 27 28 -3-