

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

Ammarnazen Aljonidi v. Commissioner of Social Security

Aljonidi · No. 2:24-cv-01403-JDP · Decided March 21, 2025

SUMMARY

The document is a stipulation and proposed order awarding attorney's fees under the Equal Access to Justice Act in a Social Security case. The parties agreed to an award of \$5,288.64 in fees and expenses, with no costs under 28 U.S.C. § 1920, subject to Treasury offset procedures and potential direct payment to plaintiff's counsel. The court approved the award on March 21, 2025 and denied the plaintiff's fee motion as moot.

OPINION

1 MICHELE BECKWITH Acting United States Attorney 2 MATHEW W. PILE, WSBA No.
32245 Associate General Counsel 3 Office of Program Litigation, Office 7 4 Social Security
Administration MARCELO ILLARMO (MABN 670079) 5 Special Assistant United States
Attorney Office of the General Counsel 6 Social Security Administration 7 6401 Security
Boulevard Baltimore, Maryland 21235 8 Telephone: (510) 970-4822 Email:
Marcelo.Illarmo@ssa.gov 9 Attorneys for Defendant 10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA 12 AMMARNAZEN ALJONIDI,) Case No. 2:24-
cv-01403-JDP) 13 Plaintiff) STIPULATION AND PROPOSED 14) ORDER FOR AWARD OF
ATTORNEY'S v.) FEES UNDER THE EQUAL ACCESS TO 15) JUSTICE ACT (EAJA)
COMMISSIONER OF SOCIAL SECURITY,) 16) 17) Defendant) 18)
_____) 19 20 IT IS HEREBY STIPULATED by and
between the parties through their undersigned counsel, 21 subject to the approval of the Court,
that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act
(EAJA), 28 U.S.C. sec. 2412(d), in the amount of five 22 thousand two hundred eighty-eight
dollars sixty four cents (\$5,288.64) and no costs under 28 U.S.C. 23 § 1920.

This amount represents compensation for all legal services rendered on behalf of Plaintiff by 24
counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). 25
Accordingly, should this Court award fees and expenses under EAJA pursuant to this stipulation,
26 Plaintiff's motion for attorney fees (ECF 22) would be moot. 27 After the Court issues an order
for EAJA fees to Plaintiff, the government will consider the 28 matter of any assignment of EAJA
fees by Plaintiff to his counsel Jesse Kaplan (Counsel).

Pursuant 1 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor 2 the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program.

After the order for EAJA fees is entered, the 3 government will determine whether they are subject to any offset. 4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that 5 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses 6 and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff.

Any 7 payments made shall be delivered to Counsel. 8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney 9 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or 10 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel, including his firm, may have relating to EAJA attorney 11 fees in connection with this action.

12 This award is without prejudice to the rights of Counsel to seek Social Security Act attorney 13 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 14 15 16 Respectfully submitted, 17 Dated: March 13, 2025 18 By: /s/ Jesse Kaplan* 19 JESSE KAPLAN
*By email authorization on 3/12/25 20 Attorney for Plaintiff 21 22 Dated: March 13, 2025
MICHELE BECKWITH Acting United States Attorney 23 By: /s/ Marcelo Illarmo 24 MARCELO ILLARMO Special Assistant United States Attorney 25 26 27 28 1 2 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Ac 3 Fees, Costs, and Expenses, IT IS ORDERED that fees and expenses in the amount of \$5,288.64 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject 4 ||to the terms of the Stipulation.

Furthermore, Plaintiff's motion for attorney fees (ECF 22) is denied as moot. 5 6 IT IS SO ORDERED. 7 © Dated: __March 21, 2025 a_—— 9 JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Stip. and Prop. Order for Fees E.D. Cal. 2:24-cv-01403-JDP