

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Paul Rene Romero v. Leland Dudek, Acting Commissioner of Social
Security**

Romero v. Dudek · No. 1:24-cv-01071-SKO · Decided February 21, 2025

OPINION

(SS) Romero v. Commissioner of Social Security

PER CURIAM.

1 Francesco Benavides, CSBN 258924 Law Offices of Francesco Benavides 2 1990 N. California
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francesco@benavidesdisabilitylaw.com 5 Attorney for Plaintiff

6 PAUL RENE ROMERO

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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10 FRESNO DIVISION

11 PAUL RENE ROMERO, Case No. 1:24-cv-01071-SKO 12 13 Plaintiff, STIPULATION AND
UNOPPOSED

MOTION FOR THE AWARD AND

14 v. PAYMENT OF ATTORNEY FEES AND

15 EXPENSES PURSUANT TO THE

LELAND DUDEK, Acting EQUAL ACCESS TO JUSTICE ACT; 16 Commissioner of Social
Security, ORDER 17 Defendant. (Doc. 16) 18 19 20 IT IS HEREBY STIPULATED by and
between the parties through their 21 undersigned counsel, subject to the approval of the Court,
that Plaintiff be awarded 22 attorney fees and expenses in the amount of \$7,400.00, under the
Equal Access to 23 Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$405.00 in costs under 28
U.S.C. § 1920. 24 This amount represents compensation for all legal services rendered on behalf
of 25 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. 26 §§
2412(d), 1920. 27 After the Court issues an order for EAJA fees to Plaintiff, the government will 1
Astrue v. Ratliff, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability 2 to honor
the assignment will depend on whether the fees are subject to any offset 3 allowed under the
United States Department of the Treasury's Offset Program. After 4 the order for EAJA fees is
entered, the government will determine whether they are 5 subject to any offset. 6 Fees shall be

made payable to Plaintiff, but if the Department of the Treasury 7 determines that Plaintiff does not owe a federal debt, then the government shall cause 8 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel, 9 Francesco Benavides, pursuant to the assignment executed by Plaintiff. 10 Payments may be made by electronic funds transfer (EFT) or by check. 11 This stipulation constitutes a compromise settlement of Plaintiff's request for 12 EAJA attorney fees and does not constitute an admission of liability on the part of 13 Defendant under the EAJA or otherwise. Payment of the agreed amount shall 14 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or 15 Francesco Benavides, including the Law Offices of Francesco Benavides, may have 16 relating to EAJA attorney fees in connection with this action. 17 This award is without prejudice to the rights of Francesco Benavides to seek 18 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings 19 clause provisions of the EAJA. 20 21 Respectfully submitted, 22 23 Dated: February 20, 2025 Law Offices of Francesco Benavides 24 By: /s/ Francesco Benavides 25

FRANCESCO P. BENAVIDES

26 Attorney for Plaintiff 27 1 2 Dated: February 20, 2025 MICHELE BECKWITH 3 Acting United States Attorney

4 MATHEW W. PILE

Associate General Counsel 5 Social Security Administration 6 By: Mary Tsai* 7

MARY TSAI

8 Special Assistant U.S. Attorney 9 Attorneys for Defendant (*Permission to use electronic signature 10 obtained via email on February 20, 2025). 11

ORDER

12 13 Based upon the parties' foregoing Stipulation and Unopposed Motion for the 14 15 Award and Payment of Equal Access to Justice Act Fees and Expenses (Doc. 16), IT IS 16 ORDERED that fees and expenses in the amount of \$7,400.00 as authorized by 28 17 U.S.C. § 2412, and \$405.00 in costs under 28 U.S.C. § 1920, be awarded subject to the 18 19 terms of the Stipulation. 20 21 IT IS SO ORDERED. 22 Dated: February 21, 2025 /s/ Sheila K. Oberto .

23 UNITED STATES MAGISTRATE JUDGE

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