

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Stephen Ellzey v. Commissioner of Social Security

Ellzey · No. 2:25-cv-00811-AC · Decided August 29, 2025

SUMMARY

This document is a stipulation and proposed order in Stephen Ellzey v. Commissioner of Social Security, filed in the United States District Court for the Eastern District of California. The parties agreed to an award of \$8,850.00 in attorney fees under the Equal Access to Justice Act and \$0.00 in costs, subject to Treasury Offset Program verification and the terms of the stipulation. The proposed order was signed on August 28, 2025, by Magistrate Judge Allison Claire.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
DECIDED	August 29, 2025
DOCKET	2:25-cv-00811-AC
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a stipulation for an award of attorney fees and expenses under the Equal Access to Justice Act, and the magistrate judge entered the proposed order.
PRECEDENTIAL VALUE	Nonprecedential fee-award order
PARTIES	Stephen Ellzey v. Commissioner of Social Security

TOPICS

attorney fees costs remedies administrative law

PRACTICE AREAS

Social Security administrative law attorney fees

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulation and award \$8,850.00 in attorney fees and \$0.00 in costs under the Equal Access to Justice Act and 28 U.S.C. § 1920.

HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$8,850.00 in EAJA fees and \$0.00 in costs, subject to the terms of the stipulation.

KEY QUOTATIONS

“IT IS ORDERED that fees and expenses in the amount of EIGHT THOUSAND EIGHT HUNDRED FIFTY dollars (\$8,850.00) as authorized by the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and ZERO and 00/100 (\$0.00), pursuant to 28 U.S.C. § 1920 be awarded subject to the terms of the Stipulation.” (at 3)

FACTUAL BACKGROUND

The parties agreed to resolve Plaintiff's request for attorney fees and expenses under the Equal Access to Justice Act. The stipulation provided for \$8,850.00 in attorney fees and \$0.00 in costs, subject to verification of any qualifying federal debt and possible offset. The agreement stated that payment would fully release EAJA fee and expense claims arising from the action, without constituting an admission of liability by Defendant.

PROCEDURAL HISTORY

The underlying action sought review of a Social Security matter. The parties stipulated to an EAJA attorney-fee award of \$8,850.00 and costs of \$0.00. The court approved the stipulation and awarded the fees and expenses subject to its terms, including potential offset under the Treasury Offset Program.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521 (2010)

OPINION

(SS) Ellzey v. Commissioner of Social Security

PER CURIAM.

1 MARGARET LEHRKIND

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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

9 STEPHEN ELLZEY, Case No.: 2:25-cv-00811-AC 10 Plaintiff, 11

STIPULATION FOR THE AWARD AND

vs.

12 PAYMENT OF ATTORNEY FEES AND

EXPENSES PURUSANT TO THE EQUAL
COMMISSIONER OF SOCIAL SECURITY,
13 ACCESS TO JUSTICE ACT; [PROPOSED]

14 Defendant ORDER 15 The parties, through their respective counsel, hereby agree that attorney
fees in the 16 17 amount of \$8,850.00 shall be awarded to Plaintiff pursuant to the Equal Access to
Justice Act 18 (EAJA), 28 U.S.C. § 2412, and costs of \$0, pursuant to 28 U.S.C. § 1920. Such
attorney fees 19 shall be subject to verification that Plaintiff has no debt that qualifies for offset,
pursuant to the 20 Treasury Offset Program as discussed in Astrue v. Ratliff, 130 S. Ct. 2521
(2010). 21 If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees are not 22
23 subject to any offset allowed under the Department of the Treasury's Offset Program, then the
24 check or electronic funds transfer for EAJA fees shall be made payable to Plaintiff's attorney,
25 Margaret Lehrkind, based upon Plaintiff's assignment of these amounts to her. See Exhibit – 26
STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND

27 EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED]
ORDER - 1

28 1 Retainer Agreement. If Plaintiff has a debt, then any remaining funds after offset shall be
made 2 payable to Plaintiff and mailed to counsel's address. 3 This stipulation constitutes a
compromise settlement of Plaintiff's request for EAJA 4 attorney fees and expenses and does not
constitute an admission of liability on the part of 5 6 Defendant under the EAJA. Payment of the
agreed amount shall constitute a complete release 7 from, and bar to, any and all claims that
Plaintiff and/or Plaintiff's counsel may have relating to 8 EAJA attorney fees and expenses in
connection with this action. 9 This award is without prejudice to the rights of Plaintiff's counsel to
seek Social Security 10 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of
the EAJA. 11 12 13 DATE: August 27, 2025 Respectfully submitted, 14 15 Lehrkind Law Office,
P.C. 16 By: /s/ Margaret Lehrkind

17 MARGARET LEHRKIND

Attorney for Plaintiff 18 DATE: August 27, 2025 By: /s/ Marcelo N. Illarmo * 19

MARCELO N. ILLARMO

20 *As authorized via email on 8/27/25 Special Assistant United States Attorney 21 Attorney for
Defendant 22 23 24 25 26

STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND
27 EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED]

ORDER - 2

28 1

5 [PROPOSED] ORDER

3 || Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act 4
and Expenses (the "Stipulation"), > IT IS ORDERED that fees and expenses in the amount of
EIGHT THOUSAND EIGHT 6 HUNDRED FIFTY dollars (\$8,850.00) as authorized by the Equal

Access to Justice Act 7 (EAJA), 28 U.S.C. § 2412(d), and ZERO and 00/100 (\$0.00), pursuant to 28 U.S.C. § 1920 be g ||awarded subject to the terms of the Stipulation. 10 IT IS SO ORDERED.

12 |}DATE: August 28, 2025 ~ B _Athuer—Clore

ALLISON CLAIRE

14 UNITED STATES MAGISTRATE JUDGE

15 16 17 18 19 20 21 22 23 24 25 26

STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND

27 || EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED]

38 ORDER - 3