

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

**Jason Leroy Roberts v. Kilolo Kijakazi, Acting Commissioner of
Social Security**

Roberts v. Kijakazi, No. 1:22-cv-00654-DAD-GSA (E.D. Cal. Mar. 6, 2023) · No. 1:22-cv-00654-DAD-GSA ·
Decided March 7, 2023

OPINION

(SS) Roberts v. Commissioner of Social Security

PER CURIAM.

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9 UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

11 12 Jason Leroy Roberts, Case No. 1:22-cv-00654-DAD-GSA 13 Plaintiff, STIPULATION
FOR THE AWARD

14 AND PAYMENT OF ATTORNEY

v. FEES AND EXPENSES PURSUANT

15 TO THE EQUAL ACCESS TO

16 Kilolo Kijakazi, Acting JUSTICE ACT; ORDER Commissioner of Social Security, 17 18
Defendant. 19 IT IS HEREBY STIPULATED by and between the parties through their 20
undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded 21 attorney
fees and expenses in the amount of FIVE THOUSAND FIVE HUNDRED 22 DOLLARS AND
00/100 (\$5,500.00) under the Equal Access to Justice Act (EAJA), 28 23 U.S.C. § 2412(d), and
costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. 24 §1920. 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 §§ 1920, 2412(d). 27 1 After the Court
issues an order for EAJA fees to Plaintiff, the government will 2 consider the matter of Plaintiff's
assignment of EAJA fees to counsel. Pursuant to 3 Astrue v. Ratliff, 560 U.S. 586, 598, 130 S.Ct.
2521, 177 L.Ed.2d 91 (2010), the ability 4 to honor the assignment will depend on whether the
fees are subject to any offset 5 allowed under the United States Department of the Treasury's
Offset Program. After 6 the order for EAJA fees is entered, the government will determine
whether they are 7 subject to any offset. 8 Fees shall be made payable to Plaintiff, but if the
Department of the Treasury 9 determines that Plaintiff does not owe a federal debt, then the

government shall cause 10 the payment of fees, expenses and costs to be made directly to Counsel, pursuant to 11 the assignment executed by Plaintiff. Any payments made shall be delivered and 12 made payable to Plaintiff's counsel, Jonathan O. Peña. 13 This stipulation constitutes a compromise settlement of Plaintiff's request for 14 EAJA attorney fees, and does not constitute an admission of liability on the part of 15 Defendant under the EAJA or otherwise. Payment of the agreed amount shall 16 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or 17 Counsel including Counsel's firm may have relating to EAJA attorney fees in 18 connection with this action. 19 This award is without prejudice to the rights of Counsel and/or Counsel's firm 20 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the 21 savings clause provisions of the EAJA. 22 Respectfully submitted, 23 24 Dated: March 6, 2023 /s/ Jonathan O. Peña

25 J ONATHAN O. PEÑA

26 Attorney for Plaintiff 27 Dated: March 6, 2023 PHILLIP A. TALBERT 1 United States Attorney

MATHEW W. PILE

2 Associate General Counsel Office of Program Litigation 3 Social Security Administration 4 By: _*_Sharon Lahey 5 Sharon Lahey 6 Special Assistant U.S. Attorney Attorneys for Defendant 7 (*Permission to use electronic signature 8 obtained via email on March 6, 2023). 9 10

11 ORDER

12 Based upon the parties' Stipulation for the Award and Payment of Equal Access 13 to Justice Act Fees and Expenses (the "Stipulation"), 14 15 IT IS ORDERED that fees and expenses in the amount of FIVE THOUSAND 16 FIVE HUNDRED DOLLARS AND 00/100 (\$5,500.00) as authorized by the Equal 17 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO 18 19 dollars (\$0.00) under 28 U.S.C. §1920 be awarded subject to the terms of the 20 Stipulation. 21 22 IT IS SO ORDERED. 23 Dated: March 6, 2023 /s/ Gary S. Austin 24 UNITED STATES MAGISTRATE JUDGE

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