

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Santos v. Commissioner of Social Security

Santos · No. 2:24-cv-03061-JDP · Decided September 4, 2025

SUMMARY

This document is a stipulation and proposed order for an award of attorney fees and expenses under the Equal Access to Justice Act in Santos v. Commissioner of Social Security, Case No. 2:24-cv-03061-JDP, in the Eastern District of California. The parties agreed to an EAJA award of \$5,000, subject to Treasury Offset Program requirements and the terms concerning payment to the plaintiff or her attorney. The proposed order was signed by Magistrate Judge Jeremy D. Peterson on September 4, 2025.

OPINION

1 Jonathan O. Peña, Esq. 2 CA Bar ID No.: 278044 Peña & Bromberg, PLC 3 3467 W. Shaw Ave.,
Ste 100 4 Fresno, CA 93711 Telephone: 559-439-9700 5 Facsimile: 559-439-9723 6 Email:
info@jonathanpena.com Attorney for Plaintiff, Candy Jean Santos 7 8 9 UNITED STATES
DISTRICT COURT 10 FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO
DIVISION 11 12 Candy Jean Santos, Case No. 2:24-cv-03061-JDP 13 Plaintiff, STIPULATION
FOR THE AWARD 14 AND PAYMENT OF ATTORNEY v. FEES AND EXPENSES
PURSUANT 15 TO THE EQUAL ACCESS TO 16 Frank Bisignano1, COMMISSIONER
JUSTICE ACT; |PROPOSED| ORDER 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 DOLLARS 22 (\$5,000.00) under the Equal Access
to Justice Act (EAJA), 28 U.S.C. § 2412(d), 23 amount represents compensation for all legal
services rendered on behalf of Plaintiff by 24 25 1 Frank Bisignano became the Commissioner of
Social Security on May 7, 2025.

26 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Frank Bisignano should be
substituted for Leland Dudeck as the defendant in this suit. No further action need be 27 taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
U.S.C. § 405(g). 1 counsel in connection with this civil action, in accordance with 28 U.S.C. §§
1920, 2 2412(d).

3 Plaintiff was the prevailing party in this matter and Plaintiff is an individual 4 whose net worth
does not exceed \$2,000,000 at the time the civil action was filed. 5 After the Court issues an order

for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Under *Astrue v. Ratliff*, 130 S. Ct.

2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney, JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA & BROMBERG, PC.

However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made out to Plaintiff, but delivered to Plaintiff's attorney, JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA & BROMBERG, PC.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or 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 Counsel's firm may have relating to EAJA attorney fees in connection with this action.

The parties further agree that the EAJA award is without prejudice to the right of Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. See U.S.C. § 2412(c)(1) (2006). Respectfully submitted, Dated: September 3, 2025 /s/ Jonathan O. Peña JONATHAN O. PEÑA Attorney for Plaintiff Dated: _____ ERIC GRANT United States Attorney MATHEW W. PILE Associate General Counsel Office of Program Litigation Social Security Administration By: *_Marcelo N. Illarmo Marcelo N. Illarmo Special Assistant U.S. Attorney Attorneys for Defendant (*Permission to use electronic signature obtained via email on September 3, 2025).

{PROPOSED! ORDER} Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"), IT IS ORDERED that fees and expenses in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) as authorized by the Equal Access to Justice Act (EAJA), U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

9 10 | IT IS SO ORDERED. 12 || Dated: __September 4, 2025 gyn Wis JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _4-

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