

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

Brenda Dee Baker Riojas v. Commissioner of Social Security

Baker Riojas · No. 1:24-cv-00688-HBK · Decided September 12, 2025

OPINION

Brenda Dee Baker Riojas v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 BRENDA DEE BAKER RIOJAS, Case No. 1:24-cv-00688-HBK1 12 Plaintiff, ORDER
GRANTING AWARD AND

PAYMENT OF ATTORNEYS FEES UNDER

13 v. THE EQUAL ACCESS TO JUSTICE ACT

14 COMMISSIONER OF SOCIAL (Doc. No. 26)

SECURITY,

15 Defendant. 16

17 Pending before the Court is the parties' stipulated motion for award of attorney's fees 18 filed
on September 11, 2025. (Doc. No. 26). The parties agree to an award of attorney's fees and 19
expenses to Plaintiff's attorney, Denise Bourgeois Haley of the Law Offices of Lawrence D. 20
Rohlfing, Inc., CPC, in the amount of \$11,500.00 in attorney fees and expenses, pursuant to the 21
Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Id.). 22 On August 21, 2025, this Court
remanded the case pursuant to sentence four of 42 U.S.C. 23 § 405(g) to the Commissioner for
further administrative proceedings. (Doc. No. 24). Judgment 24 was entered the same day. (Doc.
No. 25). Plaintiff now requests an award of fees as the 25 prevailing party. See 28 U.S.C. §
2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); see 28 U.S.C. § 26 1 Both parties have consented to
the jurisdiction of a magistrate judge in accordance with 28 U.S.C. 27 §636(c)(1). (Doc. No. 6).
28 1 | 1920; cf Shalala v. Schaefer, 509 U.S. 292, 300-02 (1993) (concluding that a party who
wins a 2 || sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party). The
Commissioner 3 | does not oppose the requested relief. 4 The EAJA provides for an award of
attorney fees to private litigants who both prevail in 5 } civil actions (other than tort) against the
United States and timely file a petition for fees. 28 6 | U.S.C. § 2412(d)(1)(A). Under the Act, a
court shall award attorney fees to the prevailing party 7 | unless it finds the government's position
was "substantially justified or that special circumstances 8 | make such an award unjust." Jd. Here,
the government did not show its position was 9 | substantially justified and the Court finds there

are not special circumstances that would make an award unjust. Based on the stipulation, the Court finds an award of \$11,500.00 in attorney fees and expenses is appropriate. EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset Program ("TOP"), as discussed in *Astrue v. Ratliff*, 532 U.S. 1192 (2010). If the Commissioner determines upon effectuation of this Order that Plaintiff's EAJA fees are not subject to any offset allowed under the TOP, the fees shall be delivered or otherwise transmitted to Plaintiff's counsel. Accordingly, it is ORDERED: 1. The stipulated motion for attorney fees and expenses (Doc. No. 26) is GRANTED. 2. The Commissioner is directed to pay to Plaintiff as the prevailing party EAJA fees in the amount of \$11,500.00 in attorney fees and expenses. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government shall make payment of the EAJA fees to Plaintiff's counsel, Denise Bourgeois Haley of the Law Offices of Lawrence D. Rohlfing, Inc., CPC, in accordance with Plaintiff's assignment of fees and subject to the terms of the stipulated motion. | Dated: September 12, 2025 Wiha. ☐☐ fares Back

HELENA M. BARCH-KUCHTA

4 UNITED STATES MAGISTRATE JUDGE

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