

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dario Gutierrez v. Commissioner of Social Security

No. 1:23-cv-01349-GSA · No. No. 1:23-cv-01349-GSA · Decided October 17, 2025

SUMMARY

The United States District Court for the Eastern District of California grants counsel’s motion for attorney fees under 42 U.S.C. § 406(b) following a remand in a Social Security disability case and the subsequent award of past-due benefits. The court approves a gross fee of \$12,300, finding the amount reasonable based on the contingent-fee agreement, counsel’s work, the favorable result, and the effective hourly rate. Counsel must refund the \$5,748.36 in EAJA fees previously received by the plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 17, 2025
DOCKET	No. 1:23-cv-01349-GSA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought attorney fees under 42 U.S.C. § 406(b) after obtaining a stipulated remand in a Social Security benefits action and subsequently receiving an award of past-due benefits.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee arrangement to determine whether the requested § 406(b) fee was reasonable, considering the character of the representation, the result achieved, counsel's conduct, and whether the fee was excessive in relation to the benefits obtained.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dario Gutierrez v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- remedies

PRACTICE AREAS

Social Security

administrative law

attorney fees

QUESTIONS PRESENTED

1. Whether counsel's requested \$12,300 fee was reasonable under 42 U.S.C. § 406(b).
2. Whether counsel was required to refund the previously awarded EAJA fee to the plaintiff after receiving the § 406(b) fee.

HOLDINGS

1. The requested \$12,300 fee was reasonable and did not constitute a windfall; the court granted the motion for attorney fees under § 406(b).
2. Counsel must refund directly to Gutierrez the \$5,748.36 in EAJA fees previously received.

KEY QUOTATIONS

"However, the Court must review contingent-fee arrangements "as an independent check, to assure that they yield reasonable results in particular cases." (at 2)

"Considering the character of the representation, the result achieved, and the fee amounts awarded in similar cases, the request here is reasonable." (at 4)

FACTUAL BACKGROUND

Gutierrez entered into a contingent-fee agreement providing for attorney fees of up to 25% of past-due benefits. Counsel reviewed a 1,712-page administrative record, prepared an extensive summary-judgment motion, and negotiated a stipulated remand. On remand, the agency found Gutierrez disabled and awarded \$78,077.57 in past-due benefits, from which 25% was withheld for possible attorney fees. Counsel requested \$12,300 for 29.3 hours of work, resulting in an effective hourly rate of \$419.79.

PROCEDURAL HISTORY

Gutierrez filed an action challenging the Commissioner's denial of benefits. After the administrative record was filed and Gutierrez moved for summary judgment, the parties stipulated to remand for further proceedings, and judgment was entered for Gutierrez. On remand, the agency found Gutierrez disabled as of August 1, 2018 and awarded \$78,077.57 in past-due benefits. Counsel then moved for a \$12,300 fee under § 406(b), which the court granted, subject to a refund of the previously awarded EAJA fee.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Hern v. Barnhart*, 262 F. Supp. 2d 1033, 1037 (N.D. Cal. 2003)
- *Crawford v. Astrue*, 586 F.3d 1142, 1148-49 (9th Cir. 2009) (en banc)
- *Vazquez v. Com'r of Soc. Sec.*, No. 1:17-CV-1646-JLT, 2020 WL 2793059, at *2 (E.D. Cal. May 29, 2020)
- *Malta v. Comm'r of Soc. Sec.*, No. 1:18-CV-00415-CDB, 2024 WL 3618430, at *3 (E.D. Cal. Aug. 1, 2024)
- *Coder v. Comm'r of Soc. Sec.*, No. 1:20-cv-00497-CDB, 2024 WL 1742026, at *3 (E.D. Cal. Apr. 23, 2024)
- *Reyna v. Comm'r of Soc. Sec.*, No. 1:22-CV-00484-SAB, 2024 WL 4453046, at *2 (E.D. Cal. Oct. 9, 2024)
- *Langston v. Saul*, No. 1:18-CV-00273-SKO, 2020 WL 4501941, at *3 (E.D. Cal. Aug. 5, 2020)
- *Ortega v. Comm'r of Soc. Sec.*, No. 1:12-cv-01030-AWI-SAB, 2015 WL 5021646, at *3 (E.D. Cal. Aug. 21, 2015)
- *Thomas v. Colvin*, No. 1:11-cv-01291-SKO, 2015 WL 1529331, at *3 (E.D. Cal. Apr. 3, 2015)
- *Boyle v. Colvin*, No. 1:12-cv-00954-SMS, 2013 WL 6712552, at *2 (E.D. Cal. Dec. 19, 2013)
- *Jamieson v. Astrue*, No. 1:09-cv-00490-LJO-DLB, 2011 WL 587096, at *2 (E.D. Cal. Feb. 9, 2011)