

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Skidgel v. Commissioner of Social Security

Skidgel · No. 2:23-cv-02179-DC-EFB · Decided June 4, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the parties’ joint motion for an award of attorney’s fees under the Equal Access to Justice Act after remanding the Social Security matter for further proceedings. The court awarded \$6,100.00 in attorney’s fees and expenses, subject to potential Treasury offset, and did not award costs under 28 U.S.C. § 1920.

CASE DETAILS

|                       |                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                          |
| WRITING FOR THE COURT | Dena Coggins                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                          |
| DECIDED               | June 4, 2025                                                                                                                                                                 |
| DOCKET                | 2:23-cv-02179-DC-EFB                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Plaintiff sought attorney's fees and expenses under the Equal Access to Justice Act after prevailing on summary judgment in a Social Security appeal and obtaining a remand. |
| PRECEDENTIAL VALUE    | unpublished district-court order; precedential status unknown                                                                                                                |
| PARTIES               | Yvonne Miranda Skidgel v. Commissioner of Social Security                                                                                                                    |

TOPICS

- attorney fees
- costs
- judicial review of agency action
- remedies
- summary judgment

PRACTICE AREAS

- Social Security
- administrative law
- civil procedure
- attorney's fees

QUESTIONS PRESENTED

- Whether Plaintiff was entitled to an award of attorney's fees and expenses under the Equal Access to Justice Act after obtaining summary judgment and a remand.

2. Whether costs should be awarded under the EAJA when the parties' joint motion did not request costs.
3. How an EAJA attorney's-fee award should be payable in light of potential federal-debt offsets.

#### HOLDINGS

1. Plaintiff was awarded \$6,100.00 in attorney's fees and expenses under 28 U.S.C. § 2412(d) pursuant to the parties' joint motion.
2. No costs were awarded because the parties did not request costs in their joint motion.
3. The fee award was made payable to Plaintiff, subject to payment directly to her counsel if the Treasury Department determines that Plaintiff owes no federal debt.

#### KEY QUOTATIONS

*“The EAJA provides for an award of attorney fees to private litigants who prevail in civil actions (other than tort) against the United States and timely file a petition for fees.” (at 1)*

*“Fees shall be made payable to Plaintiff, but if the DOT determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney’s fees to be made directly to Plaintiff’s counsel, Justin Prato;” (at 2)*

#### FACTUAL BACKGROUND

Plaintiff brought an action seeking judicial review of a final decision of the Commissioner of Social Security. The court granted Plaintiff's motion for summary judgment and remanded the matter for further proceedings. The parties jointly requested an award of \$6,100.00 in attorney's fees and expenses under the EAJA.

#### PROCEDURAL HISTORY

Plaintiff filed the action on October 2, 2023, seeking review of the Commissioner's final decision. On April 16, 2025, the court granted Plaintiff's motion for summary judgment and remanded the matter to the Commissioner for further proceedings under 42 U.S.C. § 405(g). The parties then filed a joint motion requesting an EAJA award of \$6,100.00, which the court adopted, while declining to award costs because none were requested in the motion.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

The underlying Social Security matter had already been remanded to the Commissioner for further proceedings on April 16, 2025. This order directs payment of the \$6,100.00 EAJA fee and expense award according to the stated federal-debt-offset and payment instructions.

#### CASES CITED

- Astrue v. Ratliff, 560 U.S. 586 (2010)

## OPINION

(SS) Skidgel 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 YVONNE MIRANDA SKIDGEL, No. 2:23-cv-02179-DC-EFB (SS)

12 Plaintiff, ORDER ADOPTING THE PARTIES' JOINT

MOTION FOR SETTLEMENT OF

13 v. ATTORNEY FEES AND COSTS PURSUANT

TO THE EQUAL ACCESS TO JUSTICE ACT

14 COMMISSIONER OF SOCIAL

SECURITY, (Doc. No. 20) 15 Defendant. 16 17 On October 2, 2023, Plaintiff Yvonne Miranda Skidgel filed this action seeking review of 18 a final decision of Defendant Commissioner of Social Security. (Doc. No. 1) On April 16, 2025, 19 the court issued an order granting Plaintiff's motion for summary judgment and remanded this 20 matter to the Commissioner of Social Security for further proceedings pursuant to 42 U.S.C. § 21 405(g). (Doc. No. 19.) On May 6, 2025, the parties filed a joint motion requesting an order that 22 Plaintiff be awarded attorney's fees and expenses and costs in the amount of \$6,100.00 under the 23 Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).1 (Doc. No. 20.) 24 The EAJA provides for an award of attorney fees to private litigants who prevail in civil 25 1 Under the Equal Access to Justice Act, the court may award a judgment of costs to the 26 prevailing party. 28 U.S.C. § 2412(a)(1) (citing 28 U.S.C. § 1920). Here, the parties indicate in 27 the caption of their motion that they are moving for attorney fees and costs. (Doc. No. 20 at 3.) However, the parties do not request costs within their motion. (Id. at 1–3.) Accordingly, no costs 28 are awarded under 28 U.S.C. § 1920. 1 | actions (other than tort) against the United States and timely file a petition for fees. 28 U.S.C. § 2 | 2412(d)(1)(A). Good cause appearing, and pursuant to the parties' joint motion, the court orders 3 | as follows: 4 1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees 5 and expenses in the amount of \$6,100.00; 6 2. After the issuance of this order, the government shall consider the assignment of 7 the EAJA attorney's fees to Plaintiffs counsel; 8 a. Pursuant to the decision in Astrue v. Ratliff, 560 U.S. 586 (2010), any such 9 assignment will depend on whether the attorney's fees are subject to any 10 offset allowed under the United States Department of Treasury's ("the 11 DOT") Offset Program; 12 b. Fees shall be made payable to Plaintiff, but if the DOT determines that 13 Plaintiff does not owe a federal debt, then the government shall cause the 14 payment of attorney's fees to be made directly to Plaintiffs counsel,

Justin 15 Prato; 16 3. Whether the payment of attorney's fees is made payable to Plaintiff or to her  
17 counsel, the check will be mailed to Plaintiff's counsel's mailing address at: 18 Justin Prato  
Prato & Reichman, APC 19 3675 Ruffin Road, Suite 220 San Diego, CA 92123 20 21

IT IS SO ORDERED. □

23 | Dated: \_June 3, 2025\_ DUC Dena Coggins 24 United States District Judge 25 26 27 28