

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.

OPINION

1 2 3 4 5 6 7 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