

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

OPINION

(SS) Skidgel v. Commissioner of Social Security

PER CURIAM.

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