

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Samly Milavong v. Frank Bisignano, Commissioner of Social Security

Milavong · No. 1:24-cv-0278 JLT BAM · Decided July 17, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a Social Security case. The court granted Plaintiff Samly Milavong’s motion for attorney’s fees under the Equal Access to Justice Act and awarded \$7,190.03, directing that the award be paid to counsel if the Treasury determines Plaintiff owes no federal debt.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 17, 2025
DOCKET	1:24-cv-0278 JLT BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney's fees under the Equal Access to Justice Act after prevailing in the underlying Social Security litigation. The magistrate judge issued Findings and Recommendations recommending that the motion be granted; neither party filed objections.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Samly Milavong v. Frank Bisignano, Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- judicial review of agency action
- civil procedure

PRACTICE AREAS

- administrative law
- social security
- attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to attorney's fees under the Equal Access to Justice Act.
2. Whether the requested fee amount of \$7,190.03 was reasonable.
3. Whether the magistrate judge's Findings and Recommendations should be adopted after no party filed objections.

HOLDINGS

1. The Findings and Recommendations were supported by the record and proper analysis and were adopted in full after de novo review.
2. Plaintiff was entitled to an award of attorney's fees under the EAJA because the magistrate judge found Plaintiff to be a prevailing party and the Commissioner did not oppose the request or argue that the government's position was substantially justified.
3. The requested attorney's fee amount of \$7,190.03 was reasonable and was awarded pursuant to the EAJA.

KEY QUOTATIONS

“The Court concludes the Findings and Recommendations are supported by the record and proper analysis.”
(at 2)

“Plaintiff is AWARDED fees in the amount of \$7,190.03 pursuant to the EAJA.” (at 2)

FACTUAL BACKGROUND

Samly Milavong sought \$7,190.03 in attorney's fees under the Equal Access to Justice Act. The magistrate judge determined that Milavong was a prevailing party and that the requested amount was reasonable based on the hourly rates, hours worked, and results obtained. The Commissioner did not oppose the fee request or argue that the government's position was substantially justified.

PROCEDURAL HISTORY

The magistrate judge found that Plaintiff was a prevailing party, determined that the requested fee amount was reasonable, and recommended awarding \$7,190.03 under the EAJA. After the objection period expired without objections, the district court conducted de novo review, adopted the Findings and Recommendations in full, and granted Plaintiff's motion for attorney's fees.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 SAMLY MILAVONG,) Case No.: 1:24-cv-0278 JLT BAM) 12 Plaintiff,)
ORDER ADOPTING FINDINGS AND) RECOMMENDATIONS AND GRANTING 13 v.)
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES) PURSUANT TO THE EQUAL ACCESS
TO 14 FRANK BISIGNANO,) JUSTICE ACT Commissioner of Social Security1,) 15) (Docs.

23, 25) Defendant.) 16) 17 Samly Milavong seeks an award of attorney's fees in the amount of
\$7,190.03 pursuant to the 18 Equal Access to Justice Act, 28 U.S.C. § 2412(d). (Doc. 23.) The
magistrate judge found Plaintiff was 19 a prevailing party. (Doc. 25 at 2.)

The magistrate judge also observed the Commissioner did not argue 20 the position on appeal was
justified, because the Commissioner did not oppose the fee request. (See id. 21 at 2-3.) The
magistrate judge determined the requested amount was reasonable, based upon the hourly 22 rates,
number of hours worked, and the results obtained. (Id. at 3-6.)

Therefore, the magistrate judge 23 recommended the Court grant the motion. (Id. at 6.) 24 The
Court served the Findings and Recommendations on all parties and notified them that any 25
objections were due within 14 days. (Doc. 25 at 7.)

The Court advised the parties that "failure to file 26 objections within the specified time may
result in the wavier of the 'right to challenge the magistrate's 27 28 1 Frank Bisignano became the
Commissioner of Social Security on May 6, 2025. Pursuant to Rule 25(d) of the Federal 1 || factual
findings' on appeal." (Ud., quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir.

2014).) 2 || Neither party filed objections, and the time to do so has passed. 3 According to 28
U.S.C. § 636 (b)(1), this Court performed a de novo review of the case. 4 || Having carefully
reviewed the matter, the Court concludes the Findings and Recommendations are 5 || supported by
the record and proper analysis.

Thus, the Court ORDERS: 6 1. The Findings and Recommendations dated July 2, 2025 (Doc. 25)
are ADOPTED in full. 7 2. Plaintiff's motion for attorneys' fees (Doc. 23) is GRANTED. 8 3.
Plaintiff is AWARDED fees in the amount of \$7,190.03 pursuant to the EAJA. 9 4. If the
Department of the Treasury determines that Plaintiff does not owe a federal debt, th 10
Government SHALL issue the fee award directly to Plaintiff's counsel pursuant to the 11
Assignment Agreement executed by Plaintiff and her counsel.

12 13 IS SO ORDERED. Dated: _ July 17, 2025 (LAW ph L. wan 15 TED STATES DISTRICT
JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28