

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PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order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)

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