

**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

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