

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Pat Darwin Caudill v. Commissioner of Social Security

No. 1:22-cv-01154-CDB (SS) (E.D. Cal. Dec. 9, 2025) · No. 1:22-cv-01154-CDB (SS) · Decided December 9,
2025

OPINION

Pat Darwin Caudill v. Commissioner of Social Security

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 PAT DARWIN CAUDILL, Case No. 1:22-cv-01154-CDB (SS) 12 Plaintiff, ORDER ON
STIPULATION FOR AWARD

OF ATTORNEY FEES AND COSTS

13 v. PURSUANT TO THE EQUAL ACCESS TO

JUSTICE ACT, 28 U.S.C. § 2412(d) AND 28

14 COMMISSIONER OF SOCIAL SECURITY, U.S.C. § 1920

15 Defendant. (Doc. 23) 16 17 Pending before the Court is the stipulated request of Plaintiff Pat
Darwin Caudill 18 (“Plaintiff”) for the award of attorney’s fees pursuant to the Equal Access to
Justice Act 19 (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$7,700.00, and costs in the
amount of \$402.00 20 under 28 U.S.C. § 1920, to counsel for Plaintiff, Steven Gilbert Rosales.¹
(Doc. 23). 21 The parties agree that an award of attorney’s fees to counsel for Plaintiff should be
made 22 payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does
not owe 23 a federal debt, then the Commissioner shall cause the payment of fees, expenses, and
costs to be 24 made directly to Plaintiff’s counsel, Steven Gilbert Rosales. *Id.* at 2. 25 On
September 23, 2025, the Court granted Plaintiff’s motion for summary judgment and 26 remanded
the case to the Commissioner for further proceedings consistent with the order. (Doc. 27 20).
Judgment was entered the same day. (Doc. 21). On December 8, 2025, Plaintiff filed the 1 pending
stipulation for attorney fees as a prevailing party. (Doc. 23). See *Shalala v. Schaefer*, 2 509 U.S.
292, 300-02 (1993) (concluding that a party who prevails with a sentence-four remand 3 order
under 42 U.S.C. § 405(g) is a prevailing party). Plaintiff’s filing is timely. *Van v. Barnhart*, 4 483
F.3d 600, 607 (9th Cir. 2007). The Commissioner does not oppose the requested relief. 5 (Doc.
24). 6 The EAJA provides for an award of attorney fees to private litigants who both prevail in 7
civil actions (other than tort) against the United States and timely file a petition for fees. 28 8
U.S.C. § 2412(d)(1)(A). Under the EAJA, a court shall award attorney fees to the prevailing 9

party unless it finds the government's position was "substantially justified or that special 10 circumstances make such an award unjust." Id. Here, the government did not show its position 11 was substantially justified and the Court finds there are not special circumstances that would 12 make an award unjust. Moreover, the government does not oppose Plaintiff's stipulated request. 13 See *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 14 2018) (finding position of the government was not substantially justified in view of the 15 Commissioner's assent to remand); *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 16 5324302, at *1 (E.D. Cal. Oct. 17, 2014) (same). 17 Plaintiff requests an award of \$7,700.00 in EAJA fees as authorized by 28 U.S.C. § 2412 18 and \$402.00 in costs as authorized by 28 U.S.C. § 1920. (Doc. 23). The Ninth Circuit maintains 19 a list of the statutory maximum hourly rates authorized by the EAJA, adjusted for increases in 20 the cost of living, on its website. See *Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 21 2005). Even assuming Plaintiff's counsel seeks the median of the published maximum rate 22 associated with the years (2022 through 2023) during which he engaged in services in this case 23 (which the Court computes as \$239.79),² the requested award would amount to approximately 24 32 hours of attorney time (not accounting for any paralegal time expended). The Court finds this 25 reasonable and commensurate with the number of hours an attorney would need to have spent 26 reviewing the certified administrative record in this case (approximately 2,078 pages; Doc. 15) 27 2 Statutory Maximum Rates Under the Equal Access to Justice, available at 1 | and preparing a motion for summary judgment that includes 14 pages of argument (Doc. 16 at 6- 20). With respect to the results obtained, Plaintiffs counsel obtained a favorable judgment 3 | remanding the case for further proceedings. (Docs. 20, 21). 4 Under the EAJA, the Court also may award a judgment of costs to the prevailing party. 28 5 | U.S.C. § 2412(a)(1) (citing 28 U.S.C. § 1920). Costs include, among other things, court filing 6 | fees, as requested by Plaintiff here. See 28 U.S.C. § 1920 & (Doc. 23-1 at 2); *Armstrong v. 7 | Astrue*, No. CIV-S-07-1456-DAD, 2008 WL 2705023, at *2 (E.D. Cal. Jul. 9, 2008) (granting 8 | prevailing plaintiff's request for reimbursement of filing fee). 9 EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset 10 | Program ("TOP"), as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010). If the Commissioner 11 | determines upon effectuation of this order that Plaintiff's EAJA fees are not subject to any offset 12 | allowed under the TOP, the fees shall be delivered or otherwise transmitted to Plaintiffs counsel. 13 Accordingly, it is HEREBY ORDERED: 14 1. Plaintiff's stipulated request for attorney's fees pursuant to the EAJA and costs pursuant 15 to 28 U.S.C. § 1920 (Doc. 23) is GRANTED; and 16 2. The Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees in 17 the amount of \$7,700.00 and in costs in the amount of \$402.00 pursuant to the terms set 18 forth in the parties' stipulation. (Doc. 23). Fees shall be made payable to Plaintiff, but if 19 the Department of the Treasury determines that Plaintiff does not owe a federal debt, then 20 the government shall cause the payment of fees, expenses, and costs to be made directly 21 to Plaintiff's counsel, as set forth in the stipulation. 22 IT IS SO ORDERED. Dated: _December 9,

2025 | ww RR

24 UNITED STATES MAGISTRATE JUDGE

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