

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Carter Alan Moore v. Commissioner of Social Security

Moore · No. 2:22-cv-00953-CKD (SS) · Decided January 15, 2026

SUMMARY

The United States District Court for the Eastern District of California grants plaintiff’s counsel’s motion for attorney fees under 42 U.S.C. § 406(b). The court awards \$21,780.00 for 31.8 hours of work, subject to a \$6,371.92 offset for fees previously awarded under the Equal Access to Justice Act, which counsel must refund to the plaintiff. The court finds the requested fee reasonable based on counsel’s representation, the successful remand, and the resulting award of more than \$123,000 in past-due benefits.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 15, 2026
DOCKET	2:22-cv-00953-CKD (SS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for an award of \$21,780 in attorney fees for representation before the district court following a stipulated remand and an award of past-due benefits. The Commissioner did not oppose the motion.
STANDARD OF REVIEW	The court reviewed the requested § 406(b) fee for reasonableness, considering the character and quality of counsel's representation, the results achieved, the hours expended, and whether counsel engaged in dilatory conduct or performed substandard work.
PRECEDENTIAL VALUE	Unknown
PARTIES	Carter Alan Moore v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether counsel's requested \$21,780 attorney-fee award under 42 U.S.C. § 406(b) was reasonable.
2. Whether the § 406(b) award had to be offset by the \$6,371.92 previously awarded under the Equal Access to Justice Act.

HOLDINGS

1. The requested \$21,780 fee for 31.8 hours was reasonable and could be awarded under 42 U.S.C. § 406(b).
2. The \$21,780 § 406(b) award was subject to an offset of \$6,371.92 previously awarded under the EAJA, and counsel was required to refund the offset amount to the plaintiff.

KEY QUOTATIONS

“However, the 25 percent statutory maximum fee is not an automatic entitlement; the court also must ensure that the requested fee is reasonable.” (at 1)

“Within the 25 percent boundary ... the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” (at 1)

FACTUAL BACKGROUND

Counsel represented Moore before the district court and obtained a stipulated remand that resulted in an award of more than \$123,000 in past-due benefits. Counsel documented 31.8 hours of professional time and requested \$21,780 in fees under 42 U.S.C. § 406(b). Counsel agreed that the award should be offset by \$6,371.92 in previously awarded EAJA fees, and the Commissioner did not oppose the request.

PROCEDURAL HISTORY

The action resulted in a stipulated remand, after which the claimant received more than \$123,000 in past-due benefits. Counsel then sought \$21,780 in fees under § 406(b), acknowledging that the award had to be offset by \$6,371.92 previously awarded under the Equal Access to Justice Act. The district court granted the motion and ordered counsel to refund the offset amount to the plaintiff.

DISPOSITION

other

CASES CITED

- Russell v. Sullivan, 930 F.2d 1443, 1446 (9th Cir. 1991)
- Sorenson v. Mink, 239 F.3d 1140, 1149 (9th Cir. 2001)
- Gisbrecht v. Barnhart, 535 U.S. 789, 807-09 (2002)

OPINION

Carter Alan Moore v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 CARTER ALAN MOORE, No. 2:22-cv-00953-CKD (SS)

12 Plaintiff, 13 v. ORDER

14 COMMISSIONER OF SOCIAL

SECURITY,

15 Defendant. 16

17 18 Based on 42 U.S.C. § 406(b), counsel for plaintiff in the above-entitled action seeks an 19
award of attorney fees in the amount of \$21,780.00 for 31.8 hours of professional time devoted to
20 the representation of plaintiff before this court. (ECF No. 20.) Counsel concedes that this 21
amount should be offset in the amount of \$6,371.92 for fees previously awarded under EAJA. 22
Defendant has filed a response and does not oppose the request. (ECF No. 22.) 23 42 U.S.C. §
406(b)(1)(A) provides, in relevant part: 24 Whenever a court renders a judgment favorable to a
claimant under this subchapter who was represented before the court by an attorney, 25 the court
may determine and allow as part of its judgment a reasonable fee for such representation, not in
excess of 25 percent of 26 the total of the past-due benefits to which the claimant is entitled by
reason of such judgment. 27 28 Rather than being paid by the government, fees under the Social
Security Act are awarded out of 1 || the claimant's disability benefits. *Russell v. Sullivan*, 930 F.2d
1443, 1446 (9th Cir. 1991), 2 || receded from on other grounds, *Sorenson v. Mink*, 239 F.3d 1140,
1149 (9th Cir. 2001). 3 || However, the 25 percent statutory maximum fee is not an automatic
entitlement; the court also 4 || must ensure that the requested fee is reasonable. *Gisbrecht v.*
Barnhart, 535 U.S. 789, 808-09 5 || (2002) ("We hold that § 406(b) does not displace contingent-
fee agreements within the statutory 6 || ceiling; instead, § 406(b) instructs courts to review for
reasonableness fees yielded by those 7 || agreements."). "Within the 25 percent boundary ... the
attorney for the successful claimant must 8 | show that the fee sought is reasonable for the services
rendered." *Id.* at 807. 9 Counsel seeks fees for 31.8 hours. The Court has considered the character
of counsel's 10 || representation and the good results achieved by counsel: a stipulated remand that
resulted in an 11 || award of over \$123,000 in past-due benefits. (ECF Nos. 16 & 20-2.) Counsel
submitted a 12 || detailed billing statement that supports his request. (ECF No. 20-4.) There is no
indication that a 13 || reduction of the award is warranted due to any substandard performance by
plaintiffs counsel, as 14 | counsel secured a successful result. There is also no evidence that
plaintiff's counsel engaged in 15 || any dilatory conduct resulting in delay. 16 Based on the quality
of counsel's representation and the results achieved in this case, the 17 || undersigned finds the

number of hours expended to be reasonable. Accordingly, the undersigned 18 || will award the amount of attorney fees requested. 19 Accordingly, IT IS HEREBY ORDERED that: 20 1. The motion for attorney's fees (ECF No. 20) is GRANTED; 21 2. Plaintiffs counsel is awarded \$21,780.00 in attorney fees pursuant to 28 U.S.C. § 406, 22 to be offset in the amount of \$6,371.92 previously awarded under EAJA. 23 counsel shall refund plaintiff the offset amount. 24 | Dated: January 15, 2026 / 25 I / dle ae
26 UNITED STATES MAGISTRATE JUDGE
27 || 2/moor0953.fee-406(a) 28