

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.

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

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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 / □□ I / dle ae
2% UNITED STATES MAGISTRATE JUDGE
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