

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)

