

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA, FRESNO DIVISION

Jasmine Rayan Garcia, on behalf of C.P.J.C., a minor child v. Leland  
Dudek, Acting Commissioner of Social Security

Garcia · No. 1:25-cv-00024-SKO · Decided March 26, 2025

SUMMARY

This document is a stipulation and unopposed motion for an award of attorney fees and expenses under the Equal Access to Justice Act in a Social Security disability action. The court ordered an award of \$2,185.61 in fees and expenses, with no costs under 28 U.S.C. § 1920, subject to the stipulation’s terms.

CASE DETAILS

|                       |                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California, Fresno Division                                                                                                                                           |
| WRITING FOR THE COURT | Sheila K. Oberto                                                                                                                                                                                                               |
| DECIDED               | March 26, 2025                                                                                                                                                                                                                 |
| DOCKET                | 1:25-cv-00024-SKO                                                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | The parties submitted a stipulation and unopposed motion requesting an award of attorney fees and expenses under the Equal Access to Justice Act. The court approved the stipulation and ordered payment of the agreed amount. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                |
| PARTIES               | Jasmine Rayan Garcia, on behalf of C.P.J.C., a minor child v. Leland Dudek, Acting Commissioner of Social Security                                                                                                             |

TOPICS

- attorney fees
- costs
- civil procedure
- administrative law

PRACTICE AREAS

- Social Security
- federal civil procedure
- attorney fees and costs

## QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation and award Plaintiff \$2,185.61 in attorney fees and expenses under the Equal Access to Justice Act.
2. Whether costs should be awarded under 28 U.S.C. § 1920.

## HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$2,185.61 in attorney fees and expenses as authorized by 28 U.S.C. § 2412, subject to the terms of the stipulation.
2. No costs were awarded under 28 U.S.C. § 1920.

## KEY QUOTATIONS

*“IT IS ORDERED that fees and expenses in the amount of \$2,185.61 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.”* (Order at 1)

## FACTUAL BACKGROUND

The parties agreed that Plaintiff should receive \$2,185.61 in attorney fees and expenses for legal services rendered in connection with the civil action. The stipulation provided that fees would be payable to Plaintiff, subject to any federal-debt offset, with direct payment to counsel if no offset applied and pursuant to Plaintiff's assignment. The agreement stated that it was a compromise settlement, admitted no liability, released EAJA-fee claims relating to the action upon payment, and preserved counsel's ability to seek fees under 42 U.S.C. § 406(b), subject to EAJA savings-clause provisions.

## PROCEDURAL HISTORY

Plaintiff and the Commissioner stipulated to an award of \$2,185.61 in attorney fees and expenses under the EAJA and requested no costs under 28 U.S.C. § 1920. On March 25, 2025, the district court approved the stipulation and ordered the award subject to its terms.

## DISPOSITION

other

## CASES CITED

- Astrue v. Ratliff, 560 U.S. 586, 598, 130 S. Ct. 2521, 177 L. Ed. 2d 91 (2010)

## OPINION

1 Francesco Benavides, CSBN 258924 Law Offices of Francesco Benavides 2 1990 N. California Blvd. 8th Floor Walnut Creek, CA 94596 3 Tel: (925) 222-7071 4 Email: francesco@benavidesdisabilitylaw.com 5 Attorney for Plaintiff JASMINE RAYAN GARCIA 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA FRESNO DIVISION 9 10 JASMINE RAYAN GARCIA, on behalf of Case No. 1:25-cv-00024-SKO

C.P.J.C., a minor child, 11 STIPULATION AND UNOPPOSED MOTION Plaintiff, FOR THE AWARD AND PAYMENT OF 12 ATTORNEY FEES AND EXPENSES 13 v. PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; ORDER 14 LELAND DUDEK, Acting Commissioner of Social Security, (Doc.

17) 15 Defendant. 16 17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, 18 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount 19 of \$2,185.61, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 20 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of 21 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 22 1920.

23 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the 24 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 25 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on 26 whether the fees are subject to any offset allowed under the United States Department of the 27 Treasury's Offset Program.

After the order for EAJA fees is entered, the government will determine 1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that 2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses 3 and costs to be made directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment 4 executed by Plaintiff.

Payments may be made by electronic fund transfer (EFT) or by check. 5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney 6 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or 7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any 8 and all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco 9 Benavides, may have relating to EAJA attorney fees in connection with this action.

10 This award is without prejudice to the rights of Francesco Benavides to seek Social Security 11 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 12 13 Respectfully submitted, 14 15 Dated: March 24, 2025 Law Offices of Francesco Benavides 16 By: /s/ Francesco Benavides FRANCESCO P. BENAVIDES 17 Attorney for Plaintiff 18 19 20 Dated: March 24, 2025 MICHELLE BECKWITH 21 Acting United States Attorney 22 MATHEW W. PILE Associate General Counsel 23 Social Security Administration 24 By: Justin Martin\* JUSTIN MARTIN 25 Special Assistant U.S. Attorney 26 Attorneys for Defendant (\*Permission to use electronic signature 27 obtained via email on March 24, 2025).

1 ORDER 2 Based upon the parties' Stipulation and Unopposed Motion for the Award and  
Payment of 3 Equal Access to Justice Act Fees and Expenses (Doc. 17), IT IS ORDERED that fees  
and expenses in 4 the amount of \$2,185.61 as authorized by 28 U.S.C. § 2412, and no costs under  
28 U.S.C. § 1920, be 5 awarded subject to the terms of the Stipulation. 6 IT IS SO ORDERED.

7 8 Dated: March 25, 2025 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE JUDGE 9 10  
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27