

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Consuelo Milen Huerta v. Commissioner of Social Security

Huerta · No. 2:25-cv-01486-AC · Decided November 25, 2025

SUMMARY

The document is a parties’ stipulation and proposed order in a Social Security appeal in the Eastern District of California. The parties agree to an award of \$9,600 in attorney fees and expenses under the Equal Access to Justice Act, with no costs under 28 U.S.C. § 1920, subject to Treasury offset procedures and the terms of the stipulation.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
DECIDED	November 25, 2025
DOCKET	2:25-cv-01486-AC
DISPOSITION	approved
PROCEDURAL POSTURE	The parties submitted a stipulation for an award of attorney fees and expenses under the Equal Access to Justice Act, and the court entered the proposed order approving the stipulated award.
PRECEDENTIAL VALUE	unpublished/nonprecedential district court order

TOPICS

- attorney fees
- costs
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- civil procedure

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulation awarding Plaintiff \$9,600.00 in attorney fees and expenses under the Equal Access to Justice Act.
- Whether the stipulated award should include costs under 28 U.S.C. § 1920.

HOLDINGS

1. The court approved an award of \$9,600.00 in attorney fees and expenses to Plaintiff under 28 U.S.C. § 2412, subject to the terms of the parties' 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 \$9,600.00 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 \$9,600.00 in attorney fees and expenses under the Equal Access to Justice Act in connection with the civil action. They agreed that no costs would be awarded under 28 U.S.C. § 1920. The stipulation provided that payment would be made to Plaintiff, with direct payment to counsel possible if the Treasury Department determined that Plaintiff owed no federal debt and the assignment to counsel could be honored.

PROCEDURAL HISTORY

Plaintiff and the Commissioner stipulated to an EAJA award of \$9,600.00 and no costs under 28 U.S.C. § 1920. The court approved the stipulation and ordered that the fees and expenses be awarded subject to its terms.

DISPOSITION

approved

CASES CITED

- Astrue v. Ratliff, 560 U.S. 586, 598 (2010)

OPINION

1 Paul Sachelari, CSBN 230083 Law Offices of Francesco Benavides 2 1990 N. California Blvd.,
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Attorney for Plaintiff 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF
CALIFORNIA 8 9 CONSUELO MILEN HUERTA, Case No. 2:25-cv-01486-AC 10 Plaintiff,
STIPULATION FOR THE AWARD AND 11 PAYMENT OF ATTORNEY FEES AND 12 v.
EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED] 13
COMMISSIONER OF SOCIAL SECURITY, ORDER 14 Defendant.

15 16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, 17 subject to the approval of the Court, that Plaintiff be awarded attorney fees and
expenses in the amount 18 of \$9,600.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C.
§ 2412(d), and no costs under 19 28 U.S.C. § 1920. This amount represents compensation for all

legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 21 1920.

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

After the order for EAJA fees is entered, the government will determine whether they are subject to any offset. 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.

5 Payments may be made by electronic funds transfer (EFT) or by check. 6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney 7 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or 8 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any 9 and all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco 10 Benavides, may have relating to EAJA attorney fees in connection with this action.

11 This award is without prejudice to the rights of Francesco Benavides to seek Social Security 12 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 13 Respectfully submitted, 14 Dated: October 27, 2025 Law Offices of Francesco Benavides 15 By: /s/ Paul Sachelari 16 PAUL SACHELARI Attorney for Plaintiff 17 18 Dated: October 27, 2025 ERIC GRANT 19 United States Attorney MATHEW W. PILE 20 Associate General Counsel Social Security Administration 21 22 By: Erin Jurrens* ERIN JURRENS 23 Special Assistant U.S. Attorney Attorneys for Defendant 24 (*Permission to use electronic signature obtained via email on October 27, 2025).

25 26 27 1 [PROPOSED] ORDER 2 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act 3 || Fees and Expenses, IT IS ORDERED that fees and expenses in the amount of \$9,600.00 as 4 || authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms 5 of the Stipulation. 6 7 8 || DATE: November 24, 2025 ~ ALLISON CLAIRE 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-