

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Francisco Valencia v. Frank Bisignano, Commissioner of the Social
Security Administration

Valencia · No. 2:24-cv-2847-JDP · Decided May 28, 2025

SUMMARY

The parties stipulate to an award of \$7,500 in attorney fees and expenses to Plaintiff Francisco Valencia under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in a Social Security action. The United States District Court for the Eastern District of California approved the stipulation on May 28, 2025, subject to Treasury offset procedures and the stated assignment terms.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 28, 2025
DOCKET	2:24-cv-2847-JDP
DISPOSITION	approved
PROCEDURAL POSTURE	The parties submitted a stipulation and proposed order resolving Plaintiff's request for attorney fees and expenses under the Equal Access to Justice Act. The court approved the stipulation and entered an award.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Francisco Valencia v. Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

- attorney fees
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- Administrative law
- Attorney fees

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation and award Plaintiff \$7,500 in attorney fees and expenses under the Equal Access to Justice Act.

HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$7,500 in fees and expenses under 28 U.S.C. § 2412(d), subject to and in accordance with the stipulation's terms.

KEY QUOTATIONS

“IT IS ORDERED that Plaintiff is awarded \$7,500.00 in fees and expenses under 28 U.S.C. § 2412(d), inclusive of all amounts claimed, subject to and in accordance with the terms of the parties’ foregoing Stipulation.” (at 2)

FACTUAL BACKGROUND

Francisco Valencia brought a civil action concerning Social Security benefits. The parties resolved Plaintiff's request for EAJA fees and expenses through a stipulation providing for an award of \$7,500. The stipulation addressed payment to Plaintiff, possible Treasury offset, assignment to Plaintiff's attorney, and preservation of counsel's ability to seek fees under 42 U.S.C. § 406(b).

PROCEDURAL HISTORY

After the underlying Social Security civil action, Plaintiff sought attorney fees and expenses under the EAJA. The parties stipulated to an award of \$7,500, subject to the government's determination regarding any federal-debt offset and the terms of the stipulation. The court approved the stipulated award on May 28, 2025.

DISPOSITION

approved

CASES CITED

- Astrue v. Ratliff, 560 U.S. 586, 597-598 (2010)

OPINION

1 Jared Walker (SB#269029) P.O. Box 1777 2 Orangevale, CA 95662 T: (916) 476-5044 3 F: (916) 476-5064 jared@jwalker.law 4 5 Attorney for Plaintiff, FRANCISCO VALENCIA 6 7 IN THE UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 FRANCISCO VALENCIA, Case No.: 2:24-cv-2847-JDP 10 Plaintiff, STIPULATION AND PROPOSED ORDER 11 v. FOR THE AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO 12 FRANK BISIGNANO, JUSTICE ACT, 28 U.S.C. § 2412 Commissioner of the Social Security 13 Administration, 14 Defendant.

15 16 IT IS HEREBY STIPULATED by and between the parties through their undersigned 17
counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses
18 in the above-entitled action in the amount of \$7,500.00 under the Equal Access to Justice Act
19 (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services and
20 expenses incurred on behalf of Plaintiff by counsel in connection with this civil action.

21 Upon the Court's issuance of an order granting EAJA fees to Plaintiff, the government will 22
determine the issue of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to
Astrue 23 v. Ratliff, 560 U.S. 586, 597-598 (2010), the ability to honor the assignment will depend
on if the 24 fees are subject to any offset allowed under the United States Department of the
Treasury's Offset 25 Program.

After the order for EAJA fees is entered, the government will promptly determine whether 26 they
are subject to any offset. 27 Fees shall be made payable to Plaintiff, but if the Department of the
Treasury determines 28 that Plaintiff does not owe a federal debt, then the government will cause
the payment of fees to be 1 made directly to Plaintiff's attorney, LAW OFFICE OF JARED T.
WALKER, P.C., pursuant to the 2 assignment executed by Plaintiff.

Any payments made to Plaintiff will be delivered to JARED T. 3 WALKER. 4 This stipulation
constitutes a settlement of Plaintiff's request for EAJA attorney fees and 5 does not constitute an
admission of liability on the part of defendant under the EAJA or otherwise. 6 Payment of the
agreed amount will constitute a complete release from, and bar to, any and all claims 7 that
Plaintiff and/or Plaintiff's attorney, including LAW OFFICE OF JARED T. WALKER, P.C., 8 may
have relating to EAJA attorney fees in connection with this action.

9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security 10
attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 11
Dated: May 27, 2025 Respectfully submitted, 12 /s/ Jared Walker JARED WALKER, 13 Attorney
for Plaintiff 14 SO STIPULATED: 15 MICHELE BECKWITH Acting United States Attorney 16
17 18 By: /s/ *Erin Jurrens ERIN JURRENS 19 (*authorized by e-mail on 5/27/2025) Special
Assistant United States Attorney 20 Attorneys for Defendant 21 22 23 24 25 26 27 28 1 ORDER 2
Based upon the parties' Stipulation for Award of Attorney Fees pursuant to the Equal Access 3 || to
Justice Act (EAJA), 4 IT IS ORDERED that Plaintiff is awarded \$7,500.00 in fees and expenses
under 28 U.S.C. § 5 2412(d), inclusive of all amounts claimed, subject to and in accordance with
the terms of the parties' 6 || foregoing Stipulation.

7 8 IT IS SO ORDERED. 9 (q oy — Dated: _ May 28, 2025 ow—— 10 JEREMY D.,
PETERSON UNITED STATES MAGISTRATE JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24
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