

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Mikaila W. v. Commissioner of Social Security

Mikaila W. · No. 6:23-cv-01422-MTK · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Oregon granted Plaintiff’s unopposed motion for attorney fees under 42 U.S.C. § 406(b). The court awarded Kevin Kerr \$4,800.00, required counsel to refund \$587.08 previously received under the Equal Access to Justice Act, and addressed payment of withheld benefits subject to the applicable administrative assessment.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Mustafa T. Kasubhai
JURISDICTION	United States District Court for the District of Oregon
DECIDED	February 11, 2026
DOCKET	6:23-cv-01422-MTK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved unopposed for attorney fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	The court reviewed the record and evaluated the reasonableness of the requested fee under <i>Gisbrecht v. Barnhart</i> .
PRECEDENTIAL VALUE	Unpublished district court order
PARTIES	Mikaila W. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- judicial review of agency action
- remedies

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff's requested attorney fee under 42 U.S.C. § 406(b) was reasonable and should be approved.

HOLDINGS

1. The requested \$4,800 attorney fee was reasonable and was approved under 42 U.S.C. § 406(b).

KEY QUOTATIONS

*“Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the requested fees are reasonable.”*

FACTUAL BACKGROUND

Plaintiff sought an award of attorney fees for counsel's representation in the Social Security matter. Counsel had already received \$587.08 under the Equal Access to Justice Act. The court found the requested § 406(b) fee of \$4,800 reasonable.

PROCEDURAL HISTORY

After the Social Security case, Plaintiff filed an unopposed motion for attorney fees. The court reviewed the record, found the requested fees reasonable, granted the motion, awarded \$4,800 under § 406(b), and directed counsel to refund \$587.08 previously received under the Equal Access to Justice Act.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF OREGON Case No. 6:23-cv-01422-MTK MIKAILA W., ORDER Plaintiff, v. COMMISSIONER OF SOCIAL SECURITY, Defendant. KASUBHAI, United States District Judge: Before the Court is Plaintiff's Unopposed Motion for Attorney Fees. ECF No. 15. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the requested fees are reasonable.

Plaintiff's Motion (ECF No. 15) is hereby granted as follows: Kevin Kerr is allowed an attorney's fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$4,800.00, to be paid in accordance with agency policy. Plaintiff's counsel shall refund the amount of \$587.08 already received by counsel under the Equal Access to Justice Act. Any funds withheld by the Commissioner in anticipation of an order under Section 406(b), less an administrative assessment pursuant to 42 U.S.C.

406(d), may be paid to Kevin Kerr, using the information on file with the Agency, consistent with this order. DATED this 11th day of February 2026. s/ Mustafa T. Kasubhai MUSTAFA T. KASUBHAI (he/him) United States District Judge

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