

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Angel C. v. Frank Bisignano

Angel C. · No. 3:25-cv-01797-KSC · Decided January 29, 2026

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion for an award of attorney’s fees under the Equal Access to Justice Act. The court awarded the plaintiff \$5,000 in attorney’s fees and \$405 in costs, subject to the Treasury Offset Program and applicable provisions governing payment to counsel. The order was entered without prejudice to a subsequent request for attorney’s fees under 42 U.S.C. § 406(b).

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Karen S. Crawford
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 29, 2026
DOCKET	3:25-cv-01797-KSC
DISPOSITION	other
PROCEDURAL POSTURE	The parties filed a joint motion for an award of attorney fees under the Equal Access to Justice Act in a Social Security action.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Angel C. v. Frank Bisignano, Acting Commissioner of Social Security

TOPICS

attorney fees costs administrative procedure act civil procedure

PRACTICE AREAS

Social Security administrative law attorney fees civil procedure

QUESTIONS PRESENTED

- Whether the parties' joint motion for an award of attorney fees and costs under the Equal Access to Justice Act should be granted.

2. How the EAJA award should be paid in light of plaintiff's potential assignment of fees to counsel and possible offset under the Treasury Offset Program.

HOLDINGS

1. The joint motion was granted, and plaintiff was awarded \$5,000.00 in attorney fees and \$405.00 in costs.
2. EAJA fees belong to plaintiff and are subject to offset under the Treasury Offset Program; if plaintiff has assigned the fees to counsel and owes no qualifying debt, payment may be made to plaintiff's counsel, but any remaining amount after an offset must be paid to plaintiff.
3. Frank Bisignano should be substituted for Leland Dudek as defendant pursuant to Federal Rule of Civil Procedure 25(d), and no further action was required to continue the suit.

KEY QUOTATIONS

“The Joint Motion is GRANTED and plaintiff is awarded \$5,000.00 in attorney’s fees and \$405.00 in costs.”
(Order at 1)

“Under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees belong to plaintiff and are subject to offset under the Treasury Offset Program” (Order at 1)

FACTUAL BACKGROUND

The parties agreed to an award of attorney fees and costs under the Equal Access to Justice Act in connection with plaintiff's Social Security action. The court awarded \$5,000 in attorney fees and \$405 in costs. The order addressed payment to plaintiff or plaintiff's counsel depending on assignment of the fees and whether plaintiff owed a debt subject to the Treasury Offset Program.

PROCEDURAL HISTORY

After the parties filed a joint motion seeking EAJA attorney fees, the district court granted the motion and awarded plaintiff \$5,000 in attorney fees and \$405 in costs. The order also directed substitution of Frank Bisignano for Leland Dudek under Federal Rule of Civil Procedure 25(d).

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010)

OPINION

Cabrera

PER CURIAM.

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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

10 11 ANGEL C., Case No. 3:25-cv-01797-KSC 12 Plaintiff,

13 ORDER GRANTING JOINT MOTION

vs. FOR AWARD OF ATTORNEY FEES

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PURSUANT TO THE EQUAL ACCESS

15 FRANK BISIGNANO,1 TO JUSTICE ACT

Acting Commissioner of Social Security, 16

[DOC. NO. 15]

17 Defendant. 18

19 The parties have filed a Joint Motion for Award of Attorney Fees Pursuant to 20 the Equal
Access to Justice Act (“Joint Motion”). Dkt. No. 15. The Joint Motion is 21 GRANTED and
plaintiff is awarded \$5,000.00 in attorney’s fees and \$405.00 in 22 costs. 23 24 1 Frank Bisignano
became the Commissioner of Social Security in May 2025. 25 Pursuant to Rule 25(d) of the
Federal Rules of Civil Procedure, Frank Bisignano 26 should be substituted for Leland Dudek as
the defendant in this suit. No further action need be taken to continue this suit by reason of the last
sentence of section 27 205(g) of the Social Security Act, 42 U.S.C. § 405(g). 1 Under Astrue v.
Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees belong 2 || to plaintiff and are subject to offset
under the Treasury Offset Program, 31 U.S.C. § 3 || 3716(c)(3)(B). If, after receiving the Court’s
EAJA fee Order, the Commissioner 4 || determines plaintiff has assigned the right to EAJA fees to
counsel and plaintiff does 5 || not owe a debt that is subject to offset under the Treasury Offset
Program, then EAJA 6 || fees may be made payable to plaintiff’s counsel, Martha Yancey, by either
electronic 7 || funds transfer or check. If plaintiff owes a debt under the Treasury Offset Program, g
|| any remaining EAJA fees after offset will be made by check payable to Plaintiff. 9 Payment of
the agreed amount shall constitute a complete release from, and 10 || bar to, any and all claims that
Plaintiff and/or Martha Yancey, including her firm, 11 || Yancey Law, PC, may have relating to
EAJA attorney fees in connection with this 12 || action. This award is without prejudice to the
rights of Martha Yancey or Yancey 13 || Law, PC to seek Social Security Act attorney fees under
42 U.S.C. § 406(b), subject 14 || to the savings clause provisions of the EAJA. 15 IT IS SO
ORDERED. 16 || Dated: January 29, 2026 AA i Wi. TM)

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Hori. Karen S. Crawford 18 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 ORDER
Page 2 [3:24-cv-00225-KSC]