

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ammarnazen Aljonidi v. Commissioner of Social Security

Aljonidi · No. 2:24-cv-01403-JDP · Decided March 21, 2025

SUMMARY

The document is a stipulation and proposed order awarding attorney’s fees under the Equal Access to Justice Act in a Social Security case. The parties agreed to an award of \$5,288.64 in fees and expenses, with no costs under 28 U.S.C. § 1920, subject to Treasury offset procedures and potential direct payment to plaintiff’s counsel. The court approved the award on March 21, 2025 and denied the plaintiff’s fee motion as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
DECIDED	March 21, 2025
DOCKET	2:24-cv-01403-JDP
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a stipulation and proposed order resolving Plaintiff's request for attorney's fees and expenses under the Equal Access to Justice Act. The court approved the stipulation, awarded \$5,288.64 in fees and expenses, awarded no costs under 28 U.S.C. § 1920, and denied Plaintiff's separate fee motion as moot.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ammarnazen Aljonidi v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation awarding Plaintiff \$5,288.64 in attorney's fees and expenses under the Equal Access to Justice Act.
2. Whether Plaintiff's pending motion for attorney's fees should be denied as moot after approval of the stipulated EAJA award.

HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$5,288.64 in attorney's fees and expenses under 28 U.S.C. § 2412, subject to the terms of the stipulation.
2. No costs were awarded under 28 U.S.C. § 1920.
3. Plaintiff's motion for attorney fees, ECF No. 22, was denied as moot.

KEY QUOTATIONS

“IT IS ORDERED that fees and expenses in the amount of \$5,288.64 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.” (Order at 2)

FACTUAL BACKGROUND

The proceeding arose from a civil action brought by Ammarnazen Aljonidi against the Commissioner of Social Security. Plaintiff sought attorney's fees under the EAJA, and the parties agreed to a compromise award of \$5,288.64 for fees and expenses, with no costs under 28 U.S.C. § 1920.

PROCEDURAL HISTORY

Plaintiff brought a civil action involving Social Security review and filed a motion for attorney's fees. The parties subsequently stipulated to an EAJA award, subject to court approval. The magistrate judge approved the stipulated award and denied the pending fee motion as moot.

DISPOSITION

other

CASES CITED

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

OPINION

1 MICHELE BECKWITH Acting United States Attorney 2 MATHEW W. PILE, WSBA No. 32245 Associate General Counsel 3 Office of Program Litigation, Office 7 4 Social Security Administration MARCELO ILLARMO (MABN 670079) 5 Special Assistant United States Attorney Office of the General Counsel 6 Social Security Administration 7 6401 Security Boulevard Baltimore, Maryland 21235 8 Telephone: (510) 970-4822 Email: Marcelo.Illarmo@ssa.gov 9 Attorneys for Defendant 10 UNITED STATES DISTRICT COURT 11

EASTERN DISTRICT OF CALIFORNIA 12 AMMARNAZEN ALJONIDI,) Case No. 2:24-cv-01403-JDP) 13 Plaintiff) STIPULATION AND PROPOSED 14) ORDER FOR AWARD OF ATTORNEY'S v.) FEES UNDER THE EQUAL ACCESS TO 15) JUSTICE ACT (EAJA) COMMISSIONER OF SOCIAL SECURITY,) 16) 17) Defendant) 18) _____) 19 20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, 21 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of five 22 thousand two hundred eighty-eight dollars sixty four cents (\$5,288.64) and no costs under 28 U.S.C. 23 § 1920.

This amount represents compensation for all legal services rendered on behalf of Plaintiff by 24 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). 25 Accordingly, should this Court award fees and expenses under EAJA pursuant to this stipulation, 26 Plaintiff's motion for attorney fees (ECF 22) would be moot. 27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the 28 matter of any assignment of EAJA fees by Plaintiff to his counsel Jesse Kaplan (Counsel).

Pursuant 1 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor 2 the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program.

After the order for EAJA fees is entered, the 3 government will determine whether they are subject to any offset. 4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that 5 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses 6 and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff.

Any 7 payments made shall be delivered to Counsel. 8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney 9 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or 10 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel, including his firm, may have relating to EAJA attorney 11 fees in connection with this action.

12 This award is without prejudice to the rights of Counsel to seek Social Security Act attorney 13 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 14 15 16 Respectfully submitted, 17 Dated: March 13, 2025 18 By: /s/ Jesse Kaplan* 19 JESSE KAPLAN
*By email authorization on 3/12/25 20 Attorney for Plaintiff 21 22 Dated: March 13, 2025
MICHELE BECKWITH Acting United States Attorney 23 By: /s/ Marcelo Illarmo 24 MARCELO ILLARMO Special Assistant United States Attorney 25 26 27 28 1 2 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Ac 3 Fees, Costs, and Expenses,

IT IS ORDERED that fees and expenses in the amount of \$5,288.64 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject 4 ||to the terms of the Stipulation.

Furthermore, Plaintiff's motion for attorney fees (ECF 22) is denied as moot. 5 6 IT IS SO ORDERED. 7 © Dated: __March 21, 2025 a_—— 9 JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Stip. and Prop. Order for Fees E.D. Cal. 2:24-cv-01403-JDP