

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, TAMPA DIVISION

Sean Escarra v. Frank Bisignano, Commissioner of Social Security

Escarra · No. 8:24-cv-1562-JRK · Decided January 6, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted Plaintiff Sean Escarra's unopposed motion for attorney's fees under the Equal Access to Justice Act. The Court awarded \$8,750.00 in attorney's fees and \$405.00 in costs, and authorized the Commissioner to honor Plaintiff's assignment of fees to counsel subject to any federal debt offset.

CASE DETAILS

|                       |                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Tampa Division                                                                                                          |
| WRITING FOR THE COURT | James R. Klindt                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Middle District of Florida, Tampa Division                                                                                                          |
| DECIDED               | January 6, 2026                                                                                                                                                                          |
| DOCKET                | 8:24-cv-1562-JRK                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | The court considered Plaintiff's unopposed motion for attorney's fees and costs under the Equal Access to Justice Act after proceedings in the underlying Social Security review action. |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                  |
| PARTIES               | Sean Escarra v. Frank Bisignano, Commissioner of Social Security                                                                                                                         |

TOPICS

attorney fees costs administrative law remedies civil procedure

PRACTICE AREAS

administrative law Social Security attorney fees costs

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to an award of attorney's fees under the Equal Access to Justice Act at cost-of-living-adjusted hourly rates.
2. Whether Plaintiff was entitled to reimbursement of \$405 in filing costs.
3. Whether the court could honor Plaintiff's assignment of EAJA fees to counsel if Treasury determined that Plaintiff owed no federal debt.

#### **HOLDINGS**

1. Plaintiff was entitled to \$8,750 in attorney's fees under the Equal Access to Justice Act, including hourly rates above \$125 because inflation justified a proportionate cost-of-living increase and the hours claimed were reasonable.
2. Plaintiff was entitled to \$405 in costs for filing the complaint.
3. The Commissioner may exercise discretion to honor Plaintiff's assignment of EAJA fees to counsel if the Treasury Department determines that Plaintiff does not owe a federal debt.

#### **FACTUAL BACKGROUND**

Plaintiff's counsel documented 34.52 compensable hours performed in 2024 and 2025 in representing Plaintiff before the court. Plaintiff sought hourly rates above the statutory \$125 rate based on increases in the cost of living and requested reimbursement of \$405 paid for filing the complaint. Plaintiff assigned any EAJA fee entitlement to counsel, subject to the United States Department of the Treasury's determination that Plaintiff does not owe a federal debt.

#### **PROCEDURAL HISTORY**

Plaintiff filed a motion seeking \$8,750 in attorney's fees and \$405 in costs. The Commissioner did not oppose the requested relief. The court granted the motion and directed entry of judgment for Plaintiff against Defendant.

#### **DISPOSITION**

other

#### **CASES CITED**

- *Masonry Masters, Inc. v. Nelson*, 105 F.3d 708, 710-13 (D.C. Cir. 1997)
- *Gates v. Barnhart*, No. 5:01-cv-148-GRJ, 2002 WL 1452232, at \*3 (M.D. Fla. June 25, 2002)

#### **OPINION**

Escarra

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SEAN ESCARRA,

Plaintiff, v. Case No. 8:24-cv-1562-JRK

FRANK BISIGNANO,

Commissioner of Social Security, Defendant.

ORDER

This cause is before the Court on Plaintiff's Unopposed Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. No. 20; "Motion"), filed December 9, 2025. In the Motion, Plaintiff seeks an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") in the amount of \$8,750.00, and costs in the amount of \$405.00. Motion at 1; see also Time Log (Doc. No. 20-2). Defendant does not oppose the relief requested. Motion at 1, 7. According to the Motion and supporting documentation, Plaintiff's counsel expended 34.52 compensable hours (31.04 hours in 2024 and 3.48 hours in 2025) in the representation of Plaintiff before the Court. See Motion; Time Log. Plaintiff requests an hourly rate of \$252.96 for 2024 and \$258.08 for 2025. Motion at 4. Plaintiff is seeking a higher hourly rate than the \$125 specified by statute based on the increase in the cost of living since 1996, when the attorney's fee rate was last adjusted by Congress. See 28 U.S.C. § 2412(d)(2)(A) (permitting fee awards at rates higher than \$125 per hour upon the Court's determination that cost of living has increased). Having examined the Consumer Price Index and the representations made in the Motion, the Court concludes an increase in inflation does justify a proportionate increase in attorney's fees.<sup>1</sup> Further, the number of hours expended is reasonable. Plaintiff also requests reimbursement of \$405.00 in costs expended for the filing of the Complaint (Doc. No. 1). Motion at 1, 5-6; see Receipt (Doc. No. 20-5). Defendant does not oppose this request, and the Court finds it to be appropriate. See 28 U.S.C. §§ 1920, 2412(a)(1). Plaintiff has assigned her rights to any entitlement of attorney's fees due under the EAJA to her counsel. See Plaintiff's Affidavit and Assignment of EAJA Fee (Doc. No. 20-1). Regarding the assignment, Plaintiff represents the following: [T]he Commissioner will determine whether Plaintiff owes a debt to the government. If the U.S. Department of the Treasury determines that Plaintiff does not owe a federal debt, the government will accept Plaintiff's assignment of EAJA Fees and pay fees directly to Plaintiff's counsel. <sup>1</sup> See U.S. Dep't of Labor, Inflation Calculator, <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited January 5, 2026). In computing the hourly rate adjustment for the cost of living increase, the Consumer Price Index is generally used for the year in which the services were performed. See *Masonry Masters, Inc. v. Nelson*, 105 F.3d 708, 710-13 (D.C. Cir. 1997); see also *Gates v. Barnhart*, No. 5:01-cv-148-GRJ, 2002 WL 1452232, at \*3 (M.D. Fla. June 25, 2002) (unpublished). Motion at 6. Upon due consideration, it is ORDERED:

1. Plaintiff's Unopposed Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. No. 20) is GRANTED.

2. The Clerk of Court is directed to enter judgment in favor of Plaintiff and against Defendant for attorney's fees in the amount of \$8,750.00 pursuant to 28 U.S.C. §

2412(d) and costs in the amount of \$405.00.

3. The Commissioner may exercise the discretion to honor Plaintiffs

assignment of fees to counsel if the U.S. Department of Treasury determines that Plaintiff does not owe a debt to the U.S. Government. DONE AND ORDERED in Jacksonville, Florida on January 6, 2026.

JAMES R. KLINDT

United States Magistrate Judge kaw Copies to: Counsel of Record