

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Jorge Luis Colunga Rojas v. Frank Bisignano, Commissioner of
Social Security**

Colunga Rojas · No. 1:25-cv-00819-SKO · Decided December 19, 2025

OPINION

Jorge Luis Colunga Rojas v. Frank Bisignano, Commissioner of Social Security

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 JORGE LUIS COLUNGA ROJAS, Case No. 1:25-cv-00819-SKO 12 Plaintiff, ORDER
GRANTING PLAINTIFF’S

UNOPPOSED MOTION FOR

13 v. ATTORNEY FEES AND EXPENSES

PURSUANT TO THE EQUAL ACCESS

14 TO JUSTICE ACT

15 FRANK BISIGNANO, (Doc. 15)

Commissioner of Social Security, 16 Defendant. 17

_____/ 18 19 On December 8, 2025, after entry of
judgment in favor of Plaintiff, (Doc. 14), Plaintiff filed 20 a motion for an award of attorney fees
pursuant to the Equal Access to Justice Act (“EAJA”) in the 21 amount of \$881.44, (see Doc. 15).
On December 9, 2025, the Court ordered Defendant’s opposition, 22 if any, to be filed by no later
than December 22, 2025. (Doc. 16). Because Defendant timely filed 23 a notice of non-
opposition, (Doc. 17), the motion is deemed unopposed. For the reasons set forth 24 below,
Plaintiff’s application for EAJA fees is GRANTED.

25 I. BACKGROUND

26 Plaintiff filed this action on July 7, 2025, seeking judicial review of a final administrative 27
decision denying his application for Social Security disability benefits. (Doc. 1.) On September 8,
28 2025, the Court ordered judgment be entered in favor of Plaintiff and the case remanded “to the
1 Commissioner of Social Security for further proceedings.” (Doc. 13 at 3.) 2 On December 8,
2025, Plaintiff filed a motion for EAJA fees, seeking an award of \$881.44. 3 (Doc. 15). Defendant
filed a notice of non-opposition on December 12, 2025. (Doc. 17.) Plaintiff’s 4 motion for
attorney fees under the EAJA is currently pending before the Court.

5 II. LEGAL STANDARD

6 The EAJA provides that “a court shall award to a prevailing party . . . fees and other expenses 7 . . . incurred by that party in any civil action . . . brought by or against the United States . . . unless 8 the court finds that the position of the United States was substantially justified or that special 9 circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A); see also *Gisbrecht v. Barnhart*, 10 535 U.S. 789, 796 (2002). “It is the government’s burden to show that its position was substantially 11 justified or that special circumstances exist to make an award unjust.” *Gutierrez v. Barnhart*, 274 12 F.3d 1255, 1258 (9th Cir. 2001). 13 A “party” under the EAJA is defined as including “an individual whose net worth did not 14 exceed \$2,000,000 at the time the civil action was filed.” 28 U.S.C. § 2412(d)(2)(B)(i). The term 15 “fees and other expenses” includes “reasonable attorney fees.” 28 U.S.C. § 2412(d)(2)(A). “The 16 statute explicitly permits the court, in its discretion, to reduce the amount awarded to the prevailing 17 party to the extent that the party ‘unduly and unreasonably protracted’ the final resolution of the 18 case.” *Atkins v. Apfel*, 154 F.3d 986, 987 (9th Cir. 1998) (citing 28 U.S.C. §§ 2412(d)(1)(C) & 19 2412(d)(2)(D)). 20 A party who obtains a remand in a social security case is a prevailing party for purposes of 21 the EAJA. See *Shalala v. Schaefer*, 509 U.S. 292, 300–01 (1993) (“No holding of this Court has 22 ever denied prevailing-party status . . . to a plaintiff who won a remand order pursuant to sentence 23 four of § 405(g) . . . , which terminates the litigation with victory for the plaintiff”); *Gutierrez*, 274 24 F.3d at 1257 (“An applicant for disability benefits becomes a prevailing party for the purposes of 25 the EAJA if the denial of her benefits is reversed and remanded regardless of whether disability 26 benefits ultimately are awarded.”).

27 III. ANALYSIS

28 There is no dispute Plaintiff is the prevailing party in this litigation. The Court finds Plaintiff 1 did not unduly delay this litigation, and Plaintiff’s net worth did not exceed two million dollars when 2 this action was filed. The Court further finds, in view of the Commissioner’s representation that the 3 Defendant “does not oppose Plaintiff’s request,” (Doc. 17 at 2), the Government has waived its 4 opportunity to establish its burden to show that “its position was substantially justified or that special 5 circumstances exist to make an award unjust.” *Gutierrez v. Barnhart*, 274 F.3d 1255, 1258 (9th Cir. 6 2001). Therefore, the Court shall award fees. 7 Plaintiff seeks a total award of \$881.44, comprised of 3.5 hours in attorney time. (See Doc. 8 15 at 4). As previously noted, Defendant does not oppose this request. (See Doc. 17 at 2.) The 9 EAJA provides for an award of “reasonable” attorney fees. 28 U.S.C. § 2412(d)(2)(A). By statute, 10 hourly rates for attorney fees under EAJA are capped at \$125 per hour, but district courts are 11 permitted to adjust the rate to compensate for increases in the cost of living.¹ 28 U.S.C. 12 § 2412(d)(2)(A); *Sorenson v. Mink*, 239 F.3d 1140, 1147–49 (9th Cir. 2001); *Atkins*, 154 F.3d at 13 987. Determining a reasonable fee “requires more inquiry by a district court than finding the 14 ‘product of reasonable hours times a reasonable rate.’” *Atkins*, 154 F.3d 988 (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983)). The district court must consider “the relationship

between 16 the amount of the fee awarded and the results obtained.” Id. at 989. 17 Here, Plaintiff’s attorney obtained an order remanding the action for further administrative 18 action, which is a good outcome for Plaintiff. (Docs. 13, 14). There is no indication that a reduction 19 of the award is warranted due to any substandard performance by Plaintiff’s counsel as counsel 20 secured a successful and expeditious result for Plaintiff. There is also no evidence that Plaintiff’s 21 counsel engaged in any dilatory conduct resulting in delay. 22 The claimed total of 3.5 hours in attorney time represents a reasonable amount of time for 23 an attorney to expend on this particular matter, see, e.g., *Vallejo v. Astrue*, No. 2:09-cv-3088 KJN, 24 2011 WL 4383636, at *4 (E.D. Cal. Sept. 20, 2011) (declining to “conduct a line-by-line analysis” 25 26 1 Pursuant to *Thangaraja v. Gonzales*, 428 F.3d 870, 876–77 (9th Cir. 2005), and the Ninth Circuit Rule 39-1.6, the Ninth Circuit maintains a list of the statutory maximum hourly rates authorized under the EAJA, as adjusted annually 27 to incorporate increases in the cost of living. Plaintiff is requesting an hourly rate of \$251.84 for time expended in 2025. (See Doc. 15-2 at 1.) This rate is consistent with the statutory maximum rates as set forth by the Ninth Circuit. See 28 *Statutory Maximum Rates Under the Equal Access to Justice Act*, U.S. COURTS FOR THE NINTH CIR., 1 of billing entries to determine all 62.6 hours of attorney time spent on the litigation were justified), 2 and are well within the limit of what would be considered a reasonable amount of time spent on this 3 action when compared to the time devoted to similar tasks by counsel in like social security appeals 4 before this court, *Costa v. Comm’r of Soc. Sec. Admin.*, 690 F.3d 1132, 1136 (9th Cir. 2012) (noting 5 “[m]any district courts have noted that twenty to forty hours is the range most often requested and 6 granted in social security cases”) (citing *Patterson v. Apfel*, 99 F. Supp. 2d 1212, 1214 n.2 (C.D.

7 Cal. 2000) (collecting district court cases)); see also *Thompson v. Colvin*, No. 2:12-cv-01850-AC,

8 2015 WL 1767733, at *2 (E.D. Cal. Apr. 16, 2015) (finding 63.4 hours to be reasonable); *Boulanger 9 v. Astrue*, 2:07-cv-0849-DAD, 2011 WL 4971890, at *2 (E.D. Cal. Oct. 19, 2011) (finding 58 hours 10 to be a reasonable amount of time); *Valleyjo v. Astrue*, No. 2:09-cv-03088 KJN, 2011 WL 4383636, 11 at *5 (E.D. Cal. Sept. 20, 2011) (finding 62.1 hours to be reasonable). 12 Plaintiff will be awarded EAJA fees for 3.5 hours in attorney time for a total EAJA award 13 in the amount of \$881.44.

14 IV. CONCLUSION

15 For the reasons set forth above, IT IS HEREBY ORDERED that Plaintiff’s unopposed 16 motion for EAJA fees is GRANTED in the amount of \$881.44. 17 IT IS SO ORDERED. 18 19 Dated: December 18, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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