

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jason Timothy Williams v. Kilolo Kijakazi, Acting Commissioner of
Social Security

Williams v. Kijakazi · No. 1:22-cv-01253-HBK · Decided March 10, 2023

SUMMARY

The United States District Court for the Eastern District of California granted the parties’ stipulated motion for an award of attorney fees and expenses under the Equal Access to Justice Act. Following a sentence-four remand in a Social Security case, the court awarded \$5,800.00 to the plaintiff, subject to any applicable Treasury Offset Program offset and the terms of the fee assignment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 10, 2023
DOCKET	1:22-cv-01253-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney fees and expenses under the Equal Access to Justice Act after the court granted the parties' stipulated motion for a sentence-four remand in a Social Security case.
STANDARD OF REVIEW	The court applied the EAJA standard requiring an award of fees to a prevailing party unless the government's position was substantially justified or special circumstances would make an award unjust.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Jason Timothy Williams v. Kilolo Kijakazi, Acting Commissioner of Social Security

TOPICS

- attorney fees
- judicial review of agency action
- remedies
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff was a prevailing party entitled to attorney fees and expenses under the Equal Access to Justice Act after obtaining a sentence-four remand under 42 U.S.C. § 405(g).
2. Whether the requested \$5,800 award should be reduced because the government's position was substantially justified or because special circumstances would make an award unjust.
3. Whether payment of the EAJA award was subject to offsets under the Treasury Offset Program and should be made to Plaintiff's counsel pursuant to the assignment of fees.

HOLDINGS

1. A party who obtains a sentence-four remand under 42 U.S.C. § 405(g) is a prevailing party eligible to seek attorney fees under the EAJA.
2. The court shall award EAJA fees to a prevailing party when the government has not shown that its position was substantially justified and no special circumstances make the award unjust.
3. The stipulated motion was granted, and the Commissioner was directed to pay Plaintiff \$5,800 in EAJA attorney fees and expenses.
4. EAJA fees, expenses, and costs are subject to any allowable Treasury Offset Program offset; absent a federal debt, payment was to be made to Plaintiff's counsel in accordance with the assignment of fees.

KEY QUOTATIONS

“Under the Act, a court shall award attorney fees to the prevailing party unless it finds the government’s position was “substantially justified or that special circumstances make such an award unjust.”” (2)

“The Commissioner is directed to pay to Plaintiff as the prevailing party EAJA fees in the amount of \$5,800.00 in attorney fees and expenses.” (2)

FACTUAL BACKGROUND

Plaintiff obtained a sentence-four remand to the Commissioner for further administrative proceedings in his Social Security case. Plaintiff's attorney sought \$5,800 in attorney fees and expenses under the Equal Access to Justice Act. The Commissioner did not oppose the stipulated request, and the court found no substantial justification or special circumstances defeating the award.

PROCEDURAL HISTORY

On February 14, 2023, the court granted the parties' stipulated motion to remand under sentence four of 42 U.S.C. § 405(g), and judgment was entered the same day. Plaintiff then filed a stipulated motion for \$5,800 in attorney fees and expenses under the EAJA. The Commissioner did not oppose the requested award, and the court granted the motion.

DISPOSITION

other

CASES CITED

- Shalala v. Schaefer, 509 U.S. 292, 300-02 (1993)
- Astrue v. Ratliff, 532 U.S. 1192 (2010)

OPINION

(SS) Williams v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JASON TIMOTHY WILLIAMS, Case No. 1:22-cv-01253-HBK1 12 Plaintiff, ORDER
GRANTING AWARD AND

PAYMENT OF ATTORNEYS FEES UNDER

13 v. THE EQUAL ACCESS TO JUSTICE ACT

14 KILOLO KIJAKAZI, ACTING (Doc. No. 14)

COMMISSIONER OF SOCIAL

15 SECURITY,

16 Defendant. 17

18 Pending before the Court is the parties’ stipulated motion for award of attorney’s fees 19 filed
on March 9, 2023. (Doc. No. 14). The parties agree to an award of attorney’s fees and 20 expenses
to Plaintiff’s attorney, Francesco P. Benavides of the Law Offices of Francesco 21 Benavides, in
the amount of \$5,800.00 in attorney fees and expenses, pursuant to the Equal 22 Access to Justice
Act (“EAJA”), 28 U.S.C. § 2412. (Id.). 23 On February 14, 2023, this Court granted the parties’
stipulated motion for a remand and 24 remanded the case pursuant to sentence four of 42 U.S.C. §
405(g) to the Commissioner for 25 further administrative proceedings. (Doc. No. 12). Judgment
was entered the same day. (Doc. 26 1 Both parties have consented to the jurisdiction of a
magistrate judge in accordance with 28 U.S.C. 27 §636(c)(1). (Doc. No. 10). 28 1 | No. 13).
Plaintiff now requests an award of fees as the prevailing party. See 28 U.S.C. § 2412(a) 2 | & (d)
(1)(A); Fed. R. Civ. P. 54(d)(1); see 28 U.S.C. § 1920; cf. Shalala v. Schaefer, 509 U.S. 3 | 292,
300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 4 | U.S.C.
§ 405(g) is a prevailing party). The Commissioner does not oppose the requested relief. 5 The
EAJA provides for an award of attorney fees to private litigants who both prevail in 6 | civil
actions (other than tort) against the United States and timely file a petition for fees. 28 7 | U.S.C. §
2412(d)C1)(A). Under the Act, a court shall award attorney fees to the prevailing party 8 | unless it
finds the government’s position was “substantially justified or that special circumstances 9 | make

such an award unjust.” Jd. Here, the government did not show its position was 10 | substantially justified and the Court finds there are not special circumstances that would make an 11 | award unjust. 12 Based on the stipulation, the Court finds an award of \$5,800.00 in attorney fees and 13 || expenses is appropriate. EAJA fees, expenses, and costs are subject to any offsets allowed under 14 | the Treasury Offset Program (“TOP”), as discussed in *Astrue v. Ratliff*, 532 U.S. 1192 (2010). If 15 | the Commissioner determines upon effectuation of this Order that Plaintiff's EAJA fees are not 16 || subject to any offset allowed under the TOP, the fees shall be delivered or otherwise transmitted 17 | to Plaintiff's counsel. 18 Accordingly, it is ORDERED: 19 1. The stipulated motion for attorney fees and expenses (Doc. No. 14) is GRANTED. 20 2. The Commissioner is directed to pay to Plaintiff as the prevailing party EAJA fees in 21 | the amount of \$5,800.00 in attorney fees and expenses. Unless the Department of Treasury 22 || determines that Plaintiff owes a federal debt, the government shall make payment of the EAJA 23 | fees to Plaintiff's counsel, Francesco P. Benavides of the Law Offices of Francesco Benavides, in 24 | accordance with Plaintiff's assignment of fees and subject to the terms of the stipulated motion. °° | Dated: _ March 10, 2023 Mihaw. Wh. foareh fackte

26 HELENA M. BARCH-KUCHTA

4 UNITED STATES MAGISTRATE JUDGE

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