

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kimberly Sue Manor v. Commissioner of Social Security

Manor v. Commissioner · No. 2:22-cv-00666-SCR · Decided August 27, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiff Kimberly Sue Manor’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a remand and award of past-due Social Security benefits. The court awards counsel \$23,700, finding the fee reasonable under the contingent-fee agreement, the statutory cap, the results obtained, and the time expended. Counsel is directed to remit \$6,300 in previously awarded EAJA fees to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 27, 2025
DOCKET	2:22-cv-00666-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney's fees under 42 U.S.C. § 406(b) after obtaining a remand and a subsequent award of past-due Social Security benefits.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee request for reasonableness under 42 U.S.C. § 406(b), considering the fee agreement, the character of the representation, the results achieved, counsel's hours, regular billing rate, any substandard or dilatory conduct, and the proportionality of the fee to the benefits obtained.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive but not generally precedential.
PARTIES	Kimberly Sue Manor v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the requested \$23,700 attorney's fee under 42 U.S.C. § 406(b) was reasonable.
2. Whether the § 406(b) award had to be offset by the \$6,300 in previously awarded EAJA fees and remitted to Plaintiff.

HOLDINGS

1. A fee request within the statutory 25-percent ceiling is not automatically recoverable; the court must review the contingent-fee agreement and determine whether the requested fee is reasonable for the services rendered. The requested \$23,700 fee was reasonable.
2. When counsel receives a § 406(b) fee award after previously receiving EAJA fees for the same representation, counsel must remit the EAJA amount to the claimant.

KEY QUOTATIONS

"406(b) does not displace contingent-fee agreements within the statutory ceiling; instead, § 406(b) instructs courts to review for reasonableness fees yielded by those agreements" (2)

"Within the 25 percent boundary . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered." (2)

"An award of § 406(b) fees must be offset by any prior award of attorney's fees granted under the EAJA." (5)

FACTUAL BACKGROUND

Plaintiff's counsel represented her under a contingent-fee agreement in an action seeking review of the denial of Social Security benefits. After remand, Plaintiff received \$95,190 in past-due benefits, and counsel sought \$23,700, representing 24.9% of those benefits. Counsel had also previously received \$6,300 in EAJA fees.

PROCEDURAL HISTORY

Plaintiff sought judicial review of the Commissioner's denial of Social Security benefits. On September 8, 2023, Magistrate Judge Barnes granted Plaintiff's motion for summary judgment and remanded the action to the Commissioner for further proceedings. Plaintiff was subsequently awarded \$95,190 in past-due benefits and moved for \$23,700 in attorney's fees under § 406(b).

DISPOSITION

other

CASES CITED

- Crawford v. Astrue, 586 F.3d 1142, 1145-47, 1149, 1151-52 (9th Cir. 2009) (en banc)

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 793, 796, 802, 807-09 (2002)
- *Parrish v. Comm'r of Soc. Sec. Admin.*, 698 F.3d 1215, 1217 (9th Cir. 2012)
- *Costa v. Commissioner*, 690 F.3d 1132, 1136 (9th Cir. 2012)
- *Guzman Paz v. Commissioner*, 2024 WL 4029592 (E.D. Cal. Sept. 3, 2024)
- *Garcia v. Commissioner*, 2024 WL 3968083 (E.D. Cal. Aug. 28, 2024)
- *Roxsann D. A. v. O'Malley*, 2024 WL 1136398 (C.D. Cal. Feb. 12, 2024)

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