

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dara Lindsey Bucy v. Frank Bisignano, Commissioner of Social
Security

Bucy v. Bisignano · No. 1:25-cv-00864-JLT-EPG · Decided November 24, 2025

SUMMARY

The parties stipulated to an award of \$7,000 in attorney fees and expenses under the Equal Access to Justice Act and \$405 in costs under 28 U.S.C. § 1920 in this Social Security action. The United States District Court for the Eastern District of California approved the stipulation on November 24, 2025, subject to its stated terms.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
DECIDED	November 24, 2025
DOCKET	1:25-cv-00864-JLT-EPG
DISPOSITION	approved
PROCEDURAL POSTURE	The parties submitted a stipulation for an award of attorney fees and expenses under the Equal Access to Justice Act and costs under 28 U.S.C. § 1920. The court approved the stipulated award.
PRECEDENTIAL VALUE	Unknown; fee-approval order with no reporter citation or precedential designation in the source

TOPICS

attorney fees costs administrative law remedies civil procedure

PRACTICE AREAS

Administrative law Social Security Federal courts Attorney fees and costs

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulation awarding Plaintiff \$7,000 in attorney fees and expenses under the Equal Access to Justice Act.
- Whether Plaintiff should receive \$405 in costs under 28 U.S.C. § 1920.

HOLDINGS

1. The court approved an award of \$7,000 in attorney fees and expenses to Plaintiff under the Equal Access to Justice Act, subject to the terms of the parties' stipulation.
2. The court approved an award of \$405 in costs under 28 U.S.C. § 1920, subject to the terms of the parties' stipulation.

KEY QUOTATIONS

“IT IS ORDERED that fees and expenses in the amount \$7,000 as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$405 in costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.” (at -3-)

FACTUAL BACKGROUND

The parties stipulated that the government's position was not substantially justified and that Plaintiff was entitled to an EAJA award. They agreed to \$7,000 in attorney fees and expenses and \$405 in costs, with payment to Plaintiff and possible direct payment to counsel if the Treasury Department determined that Plaintiff owed no federal debt.

PROCEDURAL HISTORY

After the parties resolved Plaintiff's request for attorney fees under the Equal Access to Justice Act, they stipulated that Plaintiff should receive \$7,000 in EAJA fees and expenses and \$405 in costs. The district court entered an order approving the stipulated amounts, subject to the stipulation's terms.

DISPOSITION

approved

CASES CITED

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

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 FRESNO DIVISION 10 DARA LINDSEY BUCY, Case No. 1:25-cv-00864-JLT-
EPG 11 Plaintiff, STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES
AND 12 v. EXPENSES PURSUANT TO THE EQUAL 13 ACCESS TO JUSTICE ACT; ORDER
Frank Bisignano, COMMISSIONER OF 14 SOCIAL SECURITY, 15 Defendant.

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
17 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the
amount 18 of \$7,000, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and
\$405 in costs 19 under 28. U.S.C. § 1920. This amount represents compensation for all legal

services rendered on 20 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

21 The parties stipulate that the position of the United States was not substantially justified in this 22 case, and therefore Plaintiff is entitled to attorney fees pursuant to EAJA. 23 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the 24 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 25 598, 130 S.Ct.

2521, 177 L.Ed.2d 91 (2010), the ability attorney to honor the assignment will depend 26 on whether the fees are subject to any offset allowed under the United States Department of the 27 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine 1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that 2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses 3 and costs to be made directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment 4 executed by Plaintiff.

5 Payments may be made by electronic funds transfer (EFT) or by check. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney 6 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or 7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and 8 all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco 9 Benavides, may have relating to EAJA attorney fees in connection with this action.

10 This award is without prejudice to the rights of Francesco Benavides to seek Social Security 11 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA 12 \\\ 13 \\\ 14 \ 15 16 17 18 Respectfully submitted, 19 20 Dated: November, 21 2025 /s/ Francesco Benavides F RANCESCO P. BENAVIDES 21 Attorney for Plaintiff 22 Dated: November 21, 2025 ERIC GRANT 23 United States Attorney MATHEW W. PILE 24 Head of Program Litigation I 25 Social Security Administration 26 By: Margaret Branick-Abilla* MARGARET BRANICK-ABILLA 27 Special Assistant U.S. Attorney Attorneys for Defendant 1 2 ORDER 3 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act 4 Fees and Expenses (the "Stipulation"), 5 IT IS ORDERED that fees and expenses in the amount \$7,000 as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$405 in costs under 28 U.S.C. § 1920, be ° awarded subject to the terms of the Stipulation.

8 || IT IS SO ORDERED. "| Dated: _November 24, 2025 [Je hey 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-