

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Antonia Estorga Coleman v. Commissioner of Social Security

Estorga Coleman · No. 1:25-cv-00031-HBK · Decided April 30, 2025

OPINION

(SS) Estorga Coleman 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 ANTONIA ESTORGA COLEMAN, Case No. 1:25-cv-00031-HBK1 12 Plaintiff, ORDER
GRANTING AWARD AND

PAYMENT OF ATTORNEYS FEES UNDER

13 v. THE EQUAL ACCESS TO JUSTICE ACT

14 COMMISSIONER OF SOCIAL (Doc. No. 14)

SECURITY,

15 Defendant. 16

17 Pending before the Court is the parties' stipulated motion for award of attorney's fees 18 filed
on April 28, 2025. (Doc. No. 14). The parties agree to an award of attorney's fees and 19 expenses
to Plaintiff's attorney, Francesco P. Benavides of the Law Offices of Francesco 20 Benavides, in
the amount of \$1,856.04 in attorney fees and expenses, pursuant to the Equal 21 Access to Justice
Act ("EAJA"), 28 U.S.C. § 2412. (Id.). 22 On April 22, 2025, this Court granted the parties'
stipulated motion for a remand and 23 remanded the case pursuant to sentence four of 42 U.S.C. §
405(g) to the Commissioner for 24 further administrative proceedings. (Doc. No. 12). Judgment
was entered the same day. (Doc.

25 No. 13). Plaintiff now requests an award of fees as the prevailing party. See 28 U.S.C. §
2412(a)

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. 9). 28 1 | & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); see 28 U.S.C. §
1920; cf. Shalala v. Schaefer, 509 U.S. 2 | 292, 300-02 (1993) (concluding that a party who wins a
sentence-four remand order under 42 3 | U.S.C. § 405(g) is a prevailing party). The Commissioner
does not oppose the requested relief. 4 The EAJA provides for an award of attorney fees to private
litigants who both prevail in 5 } civil actions (other than tort) against the United States and timely
file a petition for fees. 28 6 | U.S.C. § 2412(d)(1)(A). Under the Act, a court shall award attorney
fees to the prevailing party 7 | unless it finds the government's position was "substantially justified

or that special circumstances 8 | make such an award unjust.” Jd. Here, the government did not show its position was 9 | substantially justified and the Court finds there are not special circumstances that would make an 10 | award unjust. 11 Based on the stipulation, the Court finds an award of \$1,856.04 in attorney fees and 12 || expenses is appropriate. EAJA fees, expenses, and costs are subject to any offsets allowed under 13 | the Treasury Offset Program (“TOP”), as discussed in *Astrue v. Ratliff*, 532 U.S. 1192 (2010). If 14 || the Commissioner determines upon effectuation of this Order that Plaintiff’s EAJA fees are not 15 || subject to any offset allowed under the TOP, the fees shall be delivered or otherwise transmitted 16 | to Plaintiff’s counsel. 17 Accordingly, it is ORDERED: 18 1. The stipulated motion for attorney fees and expenses (Doc. No. 14) is GRANTED. 19 2. The Commissioner is directed to pay to Plaintiff as the prevailing party EAJA fees in 20 | the amount of \$1,856.04 in attorney fees and expenses. Unless the Department of Treasury 21 | determines that Plaintiff owes a federal debt, the government shall make payment of the EAJA 22 | fees to Plaintiff’s counsel, Francesco P. Benavides of the Law Offices of Francesco Benavides, in 23 | accordance with Plaintiff’s assignment of fees and subject to the terms of the stipulated motion. ** | Dated: _ April 30, 2025 Mihaw. Wh. foareh fackte
25 HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE
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