

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

D'Angelo Kenye Jacob Lewis v. Commissioner of Social Security

Lewis · No. 2:25-cv-01054-DAD-CSK (SS) · Decided August 21, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the parties' stipulation awarding plaintiff \$9,400 in attorney's fees under the Equal Access to Justice Act following remand of his Social Security case. The order provides that payment is subject to any Treasury offset and may be made directly to plaintiff's counsel if no federal debt is owed.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 D'ANGELO KENYE JACOB LEWIS, No. 2:25-cv-01054-DAD-CSK (SS)
12 Plaintiff, 13 v. ORDER ADOPTING THE PARTIES' STIPULATION FOR THE AWARD OF
14 COMMISSIONER OF SOCIAL ATTORNEY'S FEES UNDER THE EQUAL SECURITY,
ACCESS TO JUSTICE ACT 15 Defendant. (Doc. No. 16) 16 17 18 On April 9, 2025, plaintiff
D'Angelo Lewis filed this action seeking review of a final 19 decision of defendant Commissioner
of Social Security.

(Doc. No. 1.) On August 5, 2025, the 20 matter was remanded to the Commissioner of Social
Security for further proceedings pursuant to 21 the parties' stipulation. (Doc. No. 14.) On August
19, 2025, the parties filed a stipulation with 22 the court in which the parties agree that plaintiff
shall be awarded attorney's fees under the Equal 23 Access to Justice Act ("EAJA"), 28 U.S.C. §
2412(d), in the amount of \$9,400.00.

(Doc. No. 16.) 24 Good cause appearing, and pursuant to the parties' August 19, 2025 stipulation,
the court 25 orders as follows: 26 1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), plaintiff is
awarded attorney's fees in 27 the amount of \$9,400.00; 28 ///// 1 2.

After the issuance of this order, the government shall consider the assignment of 2 the EAJA
attorney's fees to plaintiff's counsel; 3 a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586
(2010), any such 4 assignment will depend on whether the attorney's fees are subject to any 5
offset allowed under the United States Department of Treasury's ("the 6 DOT") Offset Program; 7
b. Fees shall be made payable to plaintiff, but if the DOT determines that 8 plaintiff does not owe
a federal debt, then the government shall cause the 9 payment of attorney's fees to be made
directly to plaintiff's counsel, 10 Francesco Paulo Benavides; 11 3.

Whether the payment of attorney's fees is made payable to plaintiff or to his 12 counsel, the check shall be mailed to plaintiff's counsel's mailing address at: 13 Francesco Paulo Benavides Law Offices of Francesco Benavides 14 1990 N. California Blvd. 8th Floor 15 Walnut Creek, CA 94596 16 IT IS SO ORDERED. 17 Dated: _ August 20, 2025 Da A. 2d, 18 DALE A. DROZD 19 UNITED STATES DISTRICT JUDGE 20 21 22 23 24 25 26 27 28