

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Nieto de Gianini v. Commissioner of Social Security

Nieto de Gianini · No. 1:21-cv-00416-CDB (SS) · Decided July 3, 2025

SUMMARY

The court granted the parties’ stipulated request for \$8,471.78 in attorney’s fees under the Equal Access to Justice Act following a sentence-four remand in a Social Security case. The order provides that the fees are payable to the plaintiff, subject to Treasury offsets, and may be paid directly to plaintiff’s counsel if no federal debt is identified.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 3, 2025
DOCKET	1:21-cv-00416-CDB (SS)
DISPOSITION	other
PROCEDURAL POSTURE	Post-judgment stipulated application for attorney fees under the Equal Access to Justice Act following a sentence-four remand in a Social Security case.
STANDARD OF REVIEW	The court evaluated whether Plaintiff was a prevailing party, whether the application was timely, whether the government's position was substantially justified, whether special circumstances made an award unjust, and whether the requested hours and amount were reasonable.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- attorney fees
- administrative law
- judicial review of agency action
- summary judgment
- remedies

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff qualified as a prevailing party after obtaining a sentence-four remand under 42 U.S.C. § 405(g).
2. Whether the EAJA fee application was timely and whether the government's position was substantially justified or special circumstances made an award unjust.
3. Whether the requested \$8,471.78 in attorney fees was reasonable.

HOLDINGS

1. A party who obtains a sentence-four remand under 42 U.S.C. § 405(g) qualifies as a prevailing party for purposes of an EAJA fee award.
2. The court awarded EAJA fees because Plaintiff prevailed, timely filed the fee request, the government did not establish that its position was substantially justified, and no special circumstances made an award unjust.
3. The requested award of \$8,471.78 was reasonable and commensurate with the work required to review the administrative record and prepare the summary-judgment motion.
4. The EAJA award was subject to any permissible Treasury Offset Program offset; if no federal debt existed, payment was to be made directly to Plaintiff's counsel under the parties' stipulation, while the award remained payable to Plaintiff.

KEY QUOTATIONS

“Under the EAJA, 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.”” (at 1)

“The Court finds this reasonable and commensurate with the number of hours an attorney would need to have spent reviewing the certified administrative record in this case (approximately 1099 pages; Doc. 12) and preparing a motion for summary judgment that includes 16 pages of argument (Doc. 18 at 12-27).” (at 2)

FACTUAL BACKGROUND

Plaintiff prevailed on a motion for summary judgment in her Social Security case, obtaining a sentence-four remand for further proceedings. Her counsel requested \$8,471.78 in EAJA fees for work performed primarily in 2021 and 2022, including review of an approximately 1,099-page administrative record and preparation of a 16-page summary-judgment argument. The Commissioner did not oppose the stipulated fee request.

PROCEDURAL HISTORY

The court previously granted Plaintiff's motion for summary judgment, remanded the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), and entered judgment on April 2, 2025. Plaintiff then filed a stipulated request for \$8,471.78 in EAJA attorney fees on July 2, 2025. The court granted the request and directed payment to Plaintiff, subject to any Treasury Offset Program offset and the stipulation's provision for direct payment to counsel if no federal debt existed.

DISPOSITION

other

CASES CITED

- *Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993)
- *Van v. Barnhart*, 483 F.3d 600, 607 (9th Cir. 2007)
- *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018)
- *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 5324302, at *1 (E.D. Cal. Oct. 17, 2014)
- *Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 2005)
- *Astrue v. Ratliff*, 560 U.S. 586 (2010)

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