

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

**Abel Luna Valdez v. Frank Bisignano, Commissioner of Social
Security**

No. 2:24-cv-01442-CKD, United States District Court for the Eastern District of California (November 4, 2025)

SUMMARY

This document is a stipulation and order awarding Plaintiff \$8,700.00 in attorney fees and expenses under the Equal Access to Justice Act, with no costs awarded under 28 U.S.C. § 1920. The award is payable to Plaintiff subject to Treasury offset procedures and does not prejudice counsel's potential claim for fees under 42 U.S.C. § 406(b).

OPINION

1 Francesco Benavides, CSBN 258924 Law Offices of Francesco Benavides 2 1990 N. California
Blvd. 8th Floor Walnut Creek, CA 94596 3 Tel: (925) 222-7071 4 Email:
francesco@benavidesdisabilitylaw.com 5 Attorney for Plaintiff 6 ABEL LUNA VALDEZ 7
UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10
SACRAMENTO DIVISION 11 ABEL LUNA VALDEZ, Case No. 2:24-cv-01442-CKD 12 13
Plaintiff, STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND 14
v. EXPENSES PURSUANT TO THE 15 EQUAL ACCESS TO JUSTICE ACT; FRANK
BISIGNANO, ORDER 16 Commissioner of Social Security, 17 Defendant.

18 IT IS HEREBY STIPULATED by and between the parties through their 19 undersigned
counsel, subject to the approval of the Court, that Plaintiff be awarded 20 attorney fees and
expenses in the amount of \$8,700.00, under the Equal Access to 21 Justice Act (EAJA), 28 U.S.C.
§ 2412(d), and no costs under 28 U.S.C. § 1920. This 22 amount represents compensation for all
legal services rendered on behalf of Plaintiff by 23 counsel in connection with this civil action, in
accordance with 28 U.S.C. §§ 2412(d), 24 25 1920.

26 The parties stipulate that the position of the United States was not substantially 27 justified in
this case, and therefore, Plaintiff is entitled to attorney fees pursuant to 1 After the Court issues an
order for EAJA fees to Plaintiff, the government will 2 consider the matter of Plaintiff's
assignment of EAJA fees to counsel. Pursuant to 3 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct.

2521, 177 L.Ed.2d 91 (2010), the ability 4 to honor the assignment will depend on whether the
fees are subject to any offset 5 allowed under the United States Department of the Treasury's
Offset Program. After 6 the order for EAJA fees is entered, the government will determine

whether they are 7 subject to any offset. 8 Fees shall be made payable to Plaintiff, but if the Department of the Treasury 9 determines that Plaintiff does not owe a federal debt, then the government shall cause 10 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel, 11 Francesco Benavides, pursuant to the assignment executed by Plaintiff.

12 Payments may be made by electronic funds transfer (EFT) or by check. 13 This stipulation constitutes a compromise settlement of Plaintiff's request for 14 EAJA attorney fees and does not constitute an admission of liability on the part of 15 Defendant under the EAJA or otherwise. Payment of the agreed amount shall 16 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or 17 Francesco Benavides, including the Law Offices of Francesco Benavides, may have 18 relating to EAJA attorney fees in connection with this action.

19 This award is without prejudice to the rights of Francesco Benavides to seek 20 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings 21 clause provisions of the EAJA. 22 23 Respectfully submitted, 24 25 Dated: November 3, 2025 Law Offices of Francesco Benavides 26 By: /s/ Francesco Benavides 27 FRANCESCO P. BENAVIDES Attorney for Plaintiff 1 2 Dated: November 3, 2025 PHILLIP A. TALBERT United States Attorney 3 MATHEW W. PILE 4 Head of Program Litigation 1 Social Security Administration 5 6 By: Lillian Lee* LILLIAN LEE 7 Special Assistant U.S. Attorney 8 Attorneys for Defendant 9 (*Permission to use electronic signature obtained via email on November 3, 2025).

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 1 ORDER 2 Based upon the parties' Stipulation for the Award and Payment of Equal Access 3 to Justice Act Fees and Expenses, IT IS ORDERED that fees and expenses in the 4 amount of \$8,700.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. 5 6 § 1920, be awarded subject to the terms of the Stipulation.

7 8 9 DATE:_N_o_v_e_m_b_e_r_ 4_,_ 2_0_2_5___ _ /_s/_ D_a_n_i_e_l_ J_. _C_a_l_a_b_r_e_t_t_a_____ 10 HON. DANIEL J. CALABRETTA 11 UNITED STATES DISTRICT JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27