UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Janie Misak v. Commissioner of Social Security

Misak · No. 1:22-cv-01348-CDB (SS) · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of California granted the parties' stipulated request for $7,500 in attorney's fees under the Equal Access to Justice Act. The court directed that the fees be payable to Plaintiff, subject to Treasury Offset Program procedures, and remitted directly to counsel if no federal debt is owed.

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	December 19, 2025
DOCKET	1:22-cv-01348-CDB (SS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff and the Commissioner stipulated to an award of attorney fees under the Equal Access to Justice Act after the court granted Plaintiff's motion for summary judgment and remanded the Social Security action under sentence four of 42 U.S.C. § 405(g).
STANDARD OF REVIEW	The court evaluated whether Plaintiff was a prevailing party under the EAJA, whether the government's position was substantially justified, whether special circumstances made an award unjust, and whether the requested fee amount was reasonable.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Janie Misak v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security · administrative law · attorney fees · civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff qualified as a prevailing party for purposes of an EAJA fee award after obtaining a sentence-four remand under 42 U.S.C. § 405(g).
2. Whether the government's position was substantially justified or special circumstances made an EAJA award unjust.
3. Whether the stipulated $7,500 EAJA fee request was reasonable and should be paid under the parties' proposed terms.

HOLDINGS

1. A party who obtains a sentence-four remand under 42 U.S.C. § 405(g) is a prevailing party for purposes of the EAJA.
2. The court awarded EAJA fees because Plaintiff prevailed, the government did not show that its position was substantially justified, no special circumstances made an award unjust, and the Commissioner did not oppose the request.
3. The stipulated request for $7,500 in EAJA fees was reasonable and was granted.
4. EAJA fees are payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff owes no federal debt, the government must cause payment to be made directly to Plaintiff's counsel under the stipulation.

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 Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees in the amount of $7,500.00, pursuant to the terms set forth in the parties' stipulation."* (at 3)

FACTUAL BACKGROUND

Plaintiff prevailed when the court granted summary judgment and ordered a sentence-four remand of her Social Security action. Plaintiff's counsel reviewed an approximately 512-page certified administrative record and prepared a summary-judgment motion and reply. The parties stipulated to an EAJA fee award of $7,500, with payment to Plaintiff subject to any federal-debt offset and possible direct payment to counsel.

PROCEDURAL HISTORY

On September 16, 2025, the court granted Plaintiff's motion for summary judgment and remanded the action to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g); judgment was entered the same day. On December 17, 2025, Plaintiff filed the parties' stipulation requesting $7,500 in EAJA fees. The court granted the request and directed payment to Plaintiff, subject to Treasury Offset Program requirements and possible direct payment to Plaintiff's counsel.

DISPOSITION

other

REMAND INSTRUCTIONS

The Commissioner must pay Plaintiff $7,500 in EAJA attorney fees under the parties' stipulation. Fees are payable to Plaintiff and, if the Treasury determines that Plaintiff owes no federal debt, the government must cause payment of fees, expenses, and costs to be made directly to Plaintiff's counsel.

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)

OPINION

Janie Misak v. Commissioner of Social Security
PER CURIAM.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
JANIE MISAK, Case No. 1:22-cv-01348-CDB (SS) Plaintiff, ORDER ON STIPULATION FOR AWARD
OF ATTORNEY FEES PURSUANT TO
v. THE EQUAL ACCESS TO JUSTICE ACT,
28 U.S.C. § 2412(d)
COMMISSIONER OF SOCIAL SECURITY,
(Doc. 27) Defendant. Pending before the Court is the stipulated request of Plaintiff Janie Misak (“Plaintiff”) for the award of attorney’s fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of $7,500.00 to counsel for Plaintiff, Jonathan O. Peña.[1] (Doc. 27). The parties agree that an award of attorney’s fees to counsel for Plaintiff should be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the Commissioner shall cause the payment of fees, expenses, and costs to be made directly to Plaintiff’s counsel, Jonathan O. Peña. Id. at 2. On September 16, 2025, the Court granted Plaintiff’s motion for summary judgment and remanded the action pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further

proceedings. (Doc. 24). Judgment was entered the same day. (Doc. 25). On December 17, 2025, 1 Both parties have consented to the jurisdiction of a U.S. magistrate judge for all Plaintiff filed the pending stipulation for attorney's fees as a prevailing party. (Doc. 27). See Shalala v. Schaefer, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party). Plaintiff's filing is timely. Van v. Barnhart, 483 F.3d 600, 607 (9th Cir. 2007). The EAJA provides for an award of attorney fees to private litigants who both prevail in civil actions (other than tort) against the United States and timely file a petition for fees. 28 U.S.C. § 2412(d)(1)(A). 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." Id. Here, the government did not show its position was substantially justified and the Court finds there are not special circumstances that would make an award unjust. Moreover, the Commissioner does not oppose the requested relief. (Doc. 27). See Sanchez v. Berryhill, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018) (finding position of the government was not substantially justified in view of the Commissioner's assent to remand); Knyazhina v. Colvin, No. 2:12–cv–2726 DAD, 2014 WL 5324302, at *1 (E.D. Cal. Oct. 17, 2014) (same). Plaintiff requests an award of $7,500.00 in EAJA fees as authorized by 28 U.S.C. § 2412(d). (Doc. 27). The Ninth Circuit maintains a list of the statutory maximum hourly rates authorized by the EAJA, adjusted for increases in the cost of living, on its website.[2] See Thangaraja v. Gonzales, 428 F.3d 870, 876-77 (9th Cir. 2005). Even assuming Plaintiff's counsel seeks the median of the published maximum rate associated with the years (2022 through 2023) during which he engaged in services in this case (which the Court computes as $239.79), the requested award would amount to approximately 31 hours of attorney time (not accounting for any paralegal time expended). 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 512 pages; Doc. 11) and preparing a motion for summary judgment that includes 15 pages of argument (Doc. 16 at 4-18) and a reply that includes three pages of argument (Doc. 20 at 2-4). With respect to the results 2 Statutory Maximum Rates Under the Equal Access to Justice, available at https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/ (last visited December 18, obtained, Plaintiffs counsel obtained a favorable judgment remanding the case for further proceedings. (Docs. 24, 25). EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset Program ("TOP"), as discussed in Astrue v. Ratliff, 560 U.S. 586 (2010). If the Commissioner determines upon effectuation of this order that Plaintiff's EAJA fees are not subject to any offset allowed under the TOP, the fees shall be delivered or otherwise transmitted to Plaintiffs counsel. Conclusion and Order Accordingly, it is HEREBY ORDERED: 1. Plaintiffs stipulated request for attorney's fees pursuant to the EAJA (Doc. 27) is GRANTED; and 2. The Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees in the amount of $7,500.00, pursuant to the terms set forth in the parties' stipulation. (Doc. 27). Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses, and costs to be made directly to Plaintiffs counsel, as set forth in the stipulation. [T IS SO ORDERED. 1 Dated: _ December 19, 2025 |) Ww v RY

UNITED STATES MAGISTRATE JUDGE