

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Justin Elijah Gilbert Johnson v. Frank Bisignano, Commissioner of
Social Security**

Johnson v. Bisignano · No. 2:25-cv-01369-EFB · Decided September 23, 2025

SUMMARY

The document is a stipulation and proposed order awarding Plaintiff \$7,322.84 in attorney fees and expenses under the Equal Access to Justice Act, with no costs under 28 U.S.C. § 1920. It provides that payment is payable to Plaintiff, subject to Treasury offset procedures and potential direct payment to counsel under an assignment. The award is without prejudice to 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 JUSTIN ELIJAH GILBERT
JOHNSON 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF
CALIFORNIA 10 SACRAMENTO DIVISION 11 JUSTIN ELIJAH GILBERT Case No. 2:25-cv-
01369-EFB 12 JOHNSON, 13 STIPULATION FOR THE AWARD AND Plaintiff, PAYMENT
OF ATTORNEY FEES AND 14 EXPENSES PURSUANT TO THE 15 v. EQUAL ACCESS TO
JUSTICE ACT; [PROPOSED] ORDER 16 FRANK BISIGNANO, 17 Commissioner of Social
Security, 18 Defendant.

19 IT IS HEREBY STIPULATED by and between the parties through their 20 undersigned
counsel, subject to the approval of the Court, that Plaintiff be awarded 21 attorney fees and
expenses in the amount of \$7,322.84, under the Equal Access to 22 Justice Act (EAJA), 28 U.S.C.
§ 2412(d), and no costs under 28 U.S.C. § 1920. This 23 amount represents compensation for all
legal services rendered on behalf of Plaintiff by 24 counsel in connection with this civil action, in
accordance with 28 U.S.C. §§ 2412(d), 25 1920.

26 After the Court issues an order for EAJA fees to Plaintiff, the government will 27 consider the
matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to 1 *Astrue v. Ratliff*, 560 U.S.
586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability 2 to honor the assignment will
depend on whether the fees are subject to any offset 3 allowed under the United States Department
of the Treasury's Offset Program.

After 4 the order for EAJA fees is entered, the government will determine whether they are 5 subject to any offset. 6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury 7 determines that Plaintiff does not owe a federal debt, then the government shall cause 8 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel, 9 Francesco Benavides, pursuant to the assignment executed by Plaintiff.

10 Payments may be made by electronic funds transfer (EFT) or by check. 11 This stipulation constitutes a compromise settlement of Plaintiff's request for 12 EAJA attorney fees and does not constitute an admission of liability on the part of 13 Defendant under the EAJA or otherwise. Payment of the agreed amount shall 14 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or 15 Francesco Benavides, including the Law Offices of Francesco Benavides, may have 16 relating to EAJA attorney fees in connection with this action.

17 This award is without prejudice to the rights of Francesco Benavides to seek 18 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings 19 clause provisions of the EAJA. 20 21 Respectfully submitted, 22 23 Dated: September 22, 2025 Law Offices of Francesco Benavides 24 By: /s/ Francesco Benavides 25 FRANCESCO P. BENAVIDES 26 Attorney for Plaintiff 27 1 2 Dated: September 22, 2025 ERIC GRANT 3 United States Attorney 4 MATHEW W. PILE Head of Program Litigation 1 5 Social Security Administration 6 By: Roseanne Gillette* 7 ROSEANNE GILLETTE 8 Special Assistant U.S. Attorney 9 Attorneys for Defendant (*Permission to use electronic signature 10 obtained via email on September 22, 2025).

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 1 {PROPOSED} ORDER 2 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, IT IS ORDERED that fees and expenses in the 5 | amount of \$7,322.84 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. 6 || § 1920, be awarded subject to the terms of the Stipulation.

7 8 9 bn /, Ze i DATE: September 22, 2025 "betel eLHCL 10 EDMUND F. BRENNAN □ UNITED STATES MAGISTRATE JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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