

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Janna Lee Cassidy v. Frank J. Bisignano, Commissioner of Social  
Security**

Cassidy · No. 1:24-cv-00922-HBK · Decided December 31, 2025

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**SUMMARY**

The United States District Court for the Eastern District of California granted the parties' stipulated motion for attorney's fees under the Equal Access to Justice Act. The court awarded \$6,500 in fees and expenses to the plaintiff following a sentence-four remand in a Social Security case, subject to any applicable Treasury Offset Program deductions.

**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 JANNA LEE CASSIDY, Case No. 1:24-cv-00922-HBK2 12 Plaintiff,  
ORDER GRANTING AWARD AND PAYMENT OF ATTORNEYS FEES UNDER 13 v. THE  
EQUAL ACCESS TO JUSTICE ACT 14 FRANK J. BISIGNANO, (Doc. No. 17)  
COMMISSIONER OF SOCIAL 15 SECURITY,1 16 Defendant. 17 18 Pending before the Court  
is the parties' stipulated motion for award of attorney's fees 19 filed on December 29, 2025.

(Doc. No. 17). The parties agree to an award of attorney's fees and 20 expenses to Plaintiff's  
attorney, Jonathan O. Peña of Peña & Bromberg, PLC, in the amount of 21 \$6500.00 in attorney  
fees and expenses, pursuant to the Equal Access to Justice Act ("EAJA"), 28 22 U.S.C. § 2412.  
(Id.). 23 On September 30, 2025, this Court reversed the Commissioner's decision and remanded  
24 this case back to the Commissioner of Social Security for further proceedings pursuant to 25 1  
The Court has substituted Frank J. Bisignano, who has been appointed the Acting Commissioner  
of 26 Social Security in May 2025, as the defendant in this suit.

See Fed. R. Civ. P. 25(d). 2 Both parties have consented to the jurisdiction of a magistrate judge in  
accordance with 28 U.S.C. 27 §636(c)(1). (Doc. No. 8). 28 1 | sentence four of 42 U.S.C. §  
405(g). (Doc. No. 15). Judgment was entered the same day. (Doc. 2 | No. 16). Plaintiff now  
requests an award of fees as the prevailing party. See 28 U.S.C. § 2412(a) 3 | & (d)(1)(A); Fed.

R. Civ. P. 54(d)(1); see 28 U.S.C. § 1920; cf *Shalala v. Schaefer*, 509 U.S. 4 | 292, 300-02 (1993)  
(concluding that a party who wins a sentence-four remand order under 42 5 | U.S.C. § 405(g) is a  
prevailing party). The Commissioner does not oppose the requested relief. 6 The EAJA provides

for an award of attorney fees to private litigants who both prevail in 7 | civil actions (other than tort) against the United States and timely file a petition for fees.

28 8 | U.S.C. § 2412(d)(1)(A). Under the Act, a court shall award attorney fees to the prevailing party 9 | unless it finds the government's position was "substantially justified or that special circumstances 10 | make such an award unjust." *Jd.*

Here, the government did not show its position was 11 | substantially justified and the Court finds there are not special circumstances that would make an 12 | award unjust. The Court finds an award of \$6,500.00 in attorney fees and expenses is 13 || appropriate. EAJA fees, expenses, and costs are subject to any offsets allowed under the 14 | Treasury Offset Program ("TOP"), as discussed in *Astrue v. Ratliff*, 532 U.S. 1192 (2010).

If the 15 || Commissioner determines upon effectuation of this Order that Plaintiff's EAJA fees are not 16 || subject to any offset allowed under the TOP, the fees shall be delivered or otherwise transmitted 17 | to Plaintiff's counsel. 18 Accordingly, it is ORDERED: 19 1.

The stipulated motion for attorney fees and expenses (Doc. No. 17) is GRANTED. 20 2. The Commissioner is directed to pay to Plaintiff as the prevailing party EAJA fees in 21 | the amount of \$6,500.00 in attorney fees and expenses. Unless the Department of Treasury 22 || determines that Plaintiff owes a federal debt, the government shall make payment of the EAJA 23 || fees to Plaintiff's counsel, Jonathan O. Pefia of Pefia & Bromberg, PLC, in accordance with 24 | Plaintiff's assignment of fees and subject to the terms of the stipulated motion.

2 Dated: \_ December 31, 2025 law ZA. foareh Back 26 HELENA M. BARCH-KUCHTA 4  
UNITED STATES MAGISTRATE JUDGE 28