

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

OPINION

(SS)Cassidy

PER CURIAM.

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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." Id. 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

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