

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Amhed Alasady v. Frank Bisignano

Alasady · No. 1:25-cv-00058-KG-KK · Decided March 12, 2026

SUMMARY

This document is a stipulated motion seeking an award of attorney fees and costs under the Equal Access to Justice Act in a Social Security case remanded for further administrative proceedings. The parties stipulate to \$6,039.50 in fees and \$405.00 in costs, subject to Treasury Offset Program and potential Social Security Act fee provisions.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kenneth J. Gonzales
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 12, 2026
DOCKET	1:25-cv-00058-KG-KK
DISPOSITION	other
PROCEDURAL POSTURE	Following an order and judgment remanding the Social Security case to the Commissioner for further administrative proceedings, the parties filed a stipulated motion for an award of attorney fees and costs under the Equal Access to Justice Act.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Amhed Alasady v. Frank Bisignano, Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the parties' stipulated request for an award of attorney fees and costs under the Equal Access to Justice Act should be approved.

2. How the EAJA award should be paid in light of the prevailing-party requirement, potential Treasury Offset Program debts, and any later award under 42 U.S.C. § 406(b).

HOLDINGS

1. The parties stipulated to an EAJA award of \$6,039.50 in attorney fees and \$405.00 in costs following the remand of Plaintiff's Social Security case.
2. The EAJA award is payable to Plaintiff as the prevailing party; if no Treasury Offset Program debt exists, the agency may waive the Anti-Assignment Act requirements and pay the fees to Plaintiff's attorney, while any offset situation requires payment by a check to Plaintiff delivered to counsel.

FACTUAL BACKGROUND

The court had remanded Plaintiff's Social Security matter to the Commissioner for further administrative proceedings. The parties stipulated to an award of \$6,039.50 in EAJA attorney fees and \$405.00 in costs. The stipulation addressed payment to Plaintiff as the prevailing party, possible assignment to counsel, Treasury Offset Program debts, and a potential later award under 42 U.S.C. § 406(b).

PROCEDURAL HISTORY

The court previously remanded the case to the Commissioner for further administrative proceedings. The parties then stipulated to an EAJA award of \$6,039.50 in attorney fees and \$405.00 in costs, subject to statutory offset and payment conditions.

DISPOSITION

other

CASES CITED

- Weakley v. Bowen, 803 F.3d 575, 580 (10th Cir. 1986)
- Astrue v. Ratliff, 560 U.S. 586, 595-98 (2010)
- Manning v. Astrue, 510 F.3d 1246, 1255 (10th Cir. 2007)
- Brown v. Astrue, 271 F. App'x 741, 743-44 (10th Cir. 2008) (unpublished)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
AMHED ALASADY, Plaintiff, vs. No. 1:25-cv-00058-KG-KK FRANK BISIGNANO,
Commissioner of Social Security, Defendant. STIPULATED MOTION FOR AWARD OF
ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT The Court entered an
order and judgment remanding the case to the Commissioner for further administrative
proceedings (Dkt.

Nos. 21 & 22). The parties now submit a Stipulated Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Defendant, the Commissioner of Social Security (Commissioner), by his undersigned counsel, and Plaintiff, by her counsel Justin Raines, now hereby stipulate to an award of \$6,039.50 in fees pursuant to the EAJA in the above-captioned matter and costs in the amount of \$405.00.

Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. However, the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

See 28 U.S.C. § 2412(c)(1). In addition, if Plaintiff's counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), counsel must refund the smaller award received to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.3d 575, 580 (10th Cir. 1986).

In accordance with the United States Supreme Court and Tenth Circuit Court of Appeals, the parties agree that the award of attorney fees must be made payable to Plaintiff as the prevailing party. See *Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007), cert. denied, 129 S. Ct. 486 (2008); *Brown v. Astrue*, 271 F. App'x 741, 743-44 (10th Cir.

2008) (unpublished). The agency recognizes that Plaintiff may have assigned his right to EAJA fees to his counsel. If, after receiving the Court's EAJA fee order, the agency determines that Plaintiff does not owe a debt that is subject to the offset under the Treasury Offset Program, then the agency will agree to waive the requirements of the Anti-Assignment Act,¹ and the EAJA fees will be made payable to Plaintiff's attorney.

However, if there is a debt owed under the Treasury Offset Program, the agency cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney. DATED this 12th day of March, 2026. /s/Kenneth J. Gonzales_____ CHIEF UNITED STATES DISTRICT JUDGE • Please note that this document has been electronically filed.

To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the Court's PACER public access system. 1 The Anti-Assignment Act generally precludes the assignment of claims against the United States. See 31 U.S.C. § 3727(b) (the assignment of a claim against the United States is authorized only where the assignment 1) is made after the amount of the claim is decided and a warrant for payment has been issued; 2) specifies the warrant; 3) is attested to by two witnesses; and 4) is acknowledged before an official who may acknowledge a deed).

Respectfully submitted, RGV DISABILITY, PLLC /s/ Justin S. Raines Justin S. Raines PO Box 2069 Harlingen, TX 78551 P: (833) 374-8774 F: (956) 300-6166 justin@rgvdisability.com RYAN ELLISON Acting United States Attorney s/ Annalies van der Valk ANNALIES VAN DER VALK Social Security Administration 6401 Security Boulevard Baltimore, MD 21235 Telephone: (303) 844-2544 Email: annalies.vandervalk@ssa.gov CERTIFICATE OF SERVICE I hereby certify that on March 12, 2026, I electronically transmitted the attached document to the clerk of the court using the ECF System.

Based on the records currently on file, the clerk of court will transmit a Notice of Electronic Filing to all ECF registrant participants. s/ Justin S. Raines