

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Minerva Garza v. Commissioner of Social Security

Garza · No. 1:22-cv-00207-GSA · Decided July 1, 2025

SUMMARY

The United States District Court for the Eastern District of California granted plaintiff’s counsel’s motion for attorney fees under 42 U.S.C. § 406(b). The court approved a gross fee award of \$28,770.25, representing 25% of the plaintiff’s past-due Social Security benefits, and directed counsel to remit previously awarded EAJA fees of \$7,000 to the plaintiff. The court found the contingency fee reasonable based on the favorable result, counsel’s performance, the time expended, and comparable fee awards.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 1, 2025
DOCKET	1:22-cv-00207-GSA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for an award of attorney fees under 42 U.S.C. § 406(b) after the court entered judgment in Plaintiff's favor, remanded the matter to the agency, and Plaintiff was awarded past-due benefits.
STANDARD OF REVIEW	The court independently reviews a contingent-fee arrangement to determine whether it produces a reasonable result in the particular case, considering the character of the representation, the result achieved, counsel's performance and diligence, and whether the fee is excessive in relation to the benefits obtained.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Minerva Garza v. Commissioner of Social Security

TOPICS

attorney fees

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security law

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested fee of \$28,770.25, equal to 25 percent of Plaintiff's past-due benefits, was reasonable under 42 U.S.C. § 406(b).
2. Whether counsel was required to refund the previously awarded \$7,000.00 in EAJA fees upon receiving the § 406(b) award.

HOLDINGS

1. The requested gross fee of \$28,770.25, equal to 25 percent of Plaintiff's past-due benefits, was reasonable and should be awarded because counsel achieved a favorable result, performed adequately without delay, expended a reasonable amount of time, and the effective hourly rate was not an impermissible windfall.
2. Upon receiving the § 406(b) award, counsel must remit directly to Plaintiff the previously awarded EAJA fees of \$7,000.00.

KEY QUOTATIONS

"Whenever a court renders a judgment favorable to a claimant under [42 USC § 401, et seq] who was represented before the court by an attorney, the court may determine and allow 1 of the total of the past-due benefits to which the claimant is entitled by reason of such judgment . . ." (at 1)

"Congress has provided one boundary line: Agreements are unenforceable to the extent that they provide for fees exceeding 25 percent of the past-due benefits." (at 1)

FACTUAL BACKGROUND

Plaintiff retained counsel under a contingent-fee agreement providing for fees of up to 25 percent of past-due benefits. Counsel spent 32.8 hours reviewing the administrative record and preparing a summary-judgment motion, and Plaintiff ultimately obtained a favorable judgment, remand, and an agency determination awarding \$115,081.00 in past-due benefits. The agency withheld \$28,770.25 for potential payment to counsel, and counsel sought that full amount under § 406(b), subject to refunding the previously awarded \$7,000.00 in EAJA fees.

PROCEDURAL HISTORY

Plaintiff filed an action challenging the Commissioner's denial of Social Security benefits. After the matter was fully briefed, the court entered judgment for Plaintiff and remanded the case. On remand, the agency found Plaintiff disabled and awarded \$115,081.00 in past-due benefits, withholding \$28,770.25, or 25 percent, for potential attorney fees. Counsel previously received \$7,000.00 in EAJA fees and then sought the full withheld amount under § 406(b).

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)
- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Hern v. Barnhart*, 262 F. Supp. 2d 1033, 1037 (N.D. Cal. 2003)
- *Crawford v. Astrue*, 586 F.3d 1142, 1148-49 (9th Cir. 2009) (en banc)
- *Vazquez v. Commissioner of Social Security*, No. 1:17-CV-1646-JLT, 2020 WL 2793059, at *2 (E.D. Cal. May 29, 2020)
- *Malta v. Commissioner of Social Security*, No. 1:18-CV-00415-CDB, 2024 WL 3618430, at *3 (E.D. Cal. Aug. 1, 2024)
- *Coder v. Commissioner of Social Security*, No. 1:20-cv-00497-CDB, 2024 WL 1742026, at *3 (E.D. Cal. Apr. 23, 2024)
- *Reyna v. Commissioner of Social Security*, No. 1:22-CV-00484-SAB, 2024 WL 4453046, at *2 (E.D. Cal. Oct. 9, 2024)
- *Langston v. Saul*, No. 1:18-CV-00273-SKO, 2020 WL 4501941, at *3 (E.D. Cal. Aug. 5, 2020)
- *Ortega v. Commissioner of Social Security*, No. 1:12-cv-01030-AWI-SAB, 2015 WL 5021646, at *3 (E.D. Cal. Aug. 21, 2015)
- *Thomas v. Colvin*, No. 1:11-cv-01291-SKO, 2015 WL 1529331, at *3 (E.D. Cal. Apr. 3, 2015)
- *Boyle v. Colvin*, No. 1:12-cv-00954-SMS, 2013 WL 6712552, at *2 (E.D. Cal. Dec. 19, 2013)
- *Jamieson v. Astrue*, No. 1:09-cv-00490-LJO-DLB, 2011 WL 587096, at *2 (E.D. Cal. Feb. 9, 2011)