

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Alberto Jose Corpus v. Commissioner of Social Security

Corpus · No. 1:25-cv-00067-CDB · Decided July 22, 2025

SUMMARY

The court granted the parties' stipulated request for \$8,000 in attorney's fees under the Equal Access to Justice Act after remanding the Social Security case for further proceedings under sentence four of 42 U.S.C. § 405(g). The fees are payable to the plaintiff, subject to Treasury Offset Program requirements, with direct payment to plaintiff's counsel if no federal debt prevents it.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ALBERTO JOSE CORPUS, Case No. 1:25-cv-00067-CDB (SS) 12
Plaintiff, ORDER ON STIPULATED REQUEST FOR AWARD OF ATTORNEY FEES 13 v.
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) 14
COMMISSIONER OF SOCIAL SECURITY, (Doc. 20) 15 Defendant. 16 17 18 Pending before
the Court is the stipulated request of Plaintiff Alberto Jose Corpus 19 ("Plaintiff") for the award of
attorney's fees pursuant to the Equal Access to Justice Act 20 ("EAJA"), 28 U.S.C. § 2412(d), in
the amount of \$8,000.00 to counsel for Plaintiff, Francesco 21 Paulo Benavides.

(Doc. 20).1 22 The parties agree that an award of attorney's fees to counsel for Plaintiff should be
made 23 payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does
not owe 24 a federal debt, then the Commissioner shall cause the payment of fees, expenses, and
costs to be 25 made directly to Plaintiff's counsel, Francesco Paulo Benavides.

Id. at 2. 26 On July 8, 2025, the Court granted the parties' stipulated request for voluntary remand
and 27 1 Both parties have consented to the jurisdiction of a U.S. magistrate judge for all
proceedings in 1 remanded the case pursuant to sentence four of 42 U.S.C. § 405(g) to the
Commissioner for 2 further proceedings. (Doc. 18). Judgment was entered the same day.

(Doc. 19). On July 18, 3 2025, Plaintiff filed the pending stipulation for attorney fees as a
prevailing party. (Doc. 20). 4 See *Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding
that a party who prevails with 5 a sentence-four remand order under 42 U.S.C. § 405(g) is a
prevailing party). Plaintiff's filing 6 is timely. *Van v. Barnhart*, 483 F.3d 600, 607 (9th Cir.

2007). The Commissioner does not 7 oppose the requested relief. (Doc. 20). 8 The EAJA provides
for an award of attorney fees to private litigants who both prevail in 9 civil actions (other than

tort) against the United States and timely file a petition for fees. 28 10 U.S.C. § 2412(d)(1)(A).

Under the EAJA, a court shall award attorney fees to the prevailing party unless it finds the government's position was "substantially justified or that special circumstances make such an award unjust." *Id.* Here, the government did not show its position was substantially justified and the Court finds there are no special circumstances that would make an award unjust.

Moreover, the government does not oppose Plaintiff's stipulated request. See *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018) (finding position of the government was not substantially justified in view of the Commissioner's assent to remand); *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 5324302, at 1 (E.D.

Cal. Oct. 17, 2014) (same). Plaintiff requests an award of \$8,000.00 in EAJA fees. (Doc. 20). The Ninth Circuit maintains a list of the statutory maximum hourly rates authorized by the EAJA, adjusted for increases in the cost of living, on its website.² Under the applicable rate of \$251.84, the requested award would amount to approximately 32 hours of attorney time (not accounting for any paralegal time expended).

The Court finds this reasonable and commensurate with the number of hours an attorney would need to have spent reviewing the certified administrative record in this case (approximately 1,079 pages; Doc. 10) and preparing a motion for summary judgment that presented three legal issues and approximately 17 pages of argument. (Doc. 11 at 12-29). 2 Statutory Maximum Rates Under the Equal Access to Justice Act, available at 1 | With respect to the results obtained, Plaintiffs counsel obtained a favorable judgment remanding 2 | the case for further proceedings.

(Docs. 18, 19). 3 EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset 4 | Program ("TOP"), as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010). If the Commissioner 5 | determines upon effectuation of this order that Plaintiff's EAJA fees are not subject to any offset 6 | allowed under the TOP, the fees shall be delivered or otherwise transmitted to Plaintiff's counsel.

7 Accordingly, it is HEREBY ORDERED: 8 1. The parties' stipulated request for attorney's fees pursuant to the EAJA (Doc. 20) is 9 GRANTED; and 10 2. The Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees in 11 the amount of \$8,000.00, pursuant to the terms set forth in the parties' stipulation. (Doc. 12 20). Fees shall be made payable to Plaintiff, but if the Department of the Treasury 13 determines that Plaintiff does not owe a federal debt, then the government shall cause the 14 payment of fees, expenses, and costs to be made directly to Plaintiff's counsel, as set forth 15 in the stipulation.

16 [T IS SO ORDERED. 7) Dated: _ July 21, 2025 | Word bo 18 UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28

