

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

OPINION

(SS) Corpus v. Commissioner of Social Security

PER CURIAM.

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UNITED STATES DISTRICT COURT

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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. 18 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

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