

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

**Juan Carlos Parra v. Commissioner of Social Security**

Parra · No. 1:21-cv-01798-CDB · Decided November 26, 2025

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**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF  
CALIFORNIA 10 11 JUAN CARLOS PARRA, Case No. 1:21-cv-01798-CDB 12 Plaintiff,  
ORDER GRANTING PLAINTIFF’S COUNSEL’S UNOPPOSED MOTION 13 v. FOR  
ATTORNEY’S FEES UNDER 14 42 U.S.C. §406(b) COMMISSIONER OF SOCIAL 15  
SECURITY, (Doc. 28) 16 Defendant. 17 18 Pending before the Court is the motion of Jonathan  
Omar Peña (“Counsel”), counsel for 19 Plaintiff Juan Carlos Parra (“Plaintiff”), for an award of  
attorney’s fees pursuant to 42 U.S.C. § 20 406(b), filed on November 10, 2025.

(Doc. 28). The motion seeks attorney’s fees in the amount 21 of \$33,389.50 for representing  
Plaintiff in this action. Id. at 1. Defendant filed a response asserting 22 no opposition to counsel’s  
motion, see (Doc. 30); Plaintiff did not file a response to the motion and 23 the time to do so has  
expired. 24 For the reasons set forth below, Counsel’s motion for attorney’s fees will be granted.1  
25 /// 26 /// 27 1 Both parties consented to the jurisdiction of a U.S. magistrate judge for all  
proceedings in 1 I. Relevant Background 2 On November 4, 2021, Plaintiff and Counsel entered  
into a contingency fee agreement.

3 (Doc. 28-3); (Doc. 28 ¶ 7). They agreed to attorney’s fees in the amount of 25% of the past-due  
4 benefits that were awarded to Plaintiff in the event he prevailed in his case. (Doc. 28-3 at 1). The  
5 agreement also provided that Plaintiff would pay his attorney’s reasonable out-of-pocket  
expenses 6 that were incurred in the representation. Id. Further, the agreement provided that  
Counsel could 7 seek fees pursuant to the Equal Access to Justice Act (“EAJA”), with the smaller  
fees of that award 8 to be refunded in the event of an award of past-due benefits.

Id. 9 Plaintiff filed a complaint to this Court on December 20, 2021, appealing the Commissioner  
10 of Social Security’s (“Commissioner” or “Defendant”) decision denying his application for 11  
benefits. (Doc. 1). Plaintiff filed a motion for summary judgment on November 10, 2022. (Doc.  
12 21).

On October 31, 2023, the Court granted in part Plaintiff’s motion for summary judgment and 13  
remanded the action for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and  
14 entered judgment in favor of Plaintiff. (Docs. 24, 25). 15 On February 2, 2024, the Court  
granted the parties’ stipulated request for award and payment 16 of attorney’s fees pursuant to the  
EAJA (Doc.

26) and Counsel was awarded EAJA fees in the 17 amount of \$7,000. (Doc. 27). 18 Following remand, an administrative hearing was held and the presiding Administrative Law 19 Judge (“ALJ”) issued a favorable decision awarding benefits to Plaintiff. (Doc. 28 at 3).

The Social 20 Security Administration (the “Agency”) sent Plaintiff a Notice of Award dated October 27, 2025. 21 Id.; see (Doc. 28-2). The Notice of Award confirmed that \$33,389.50 was withheld as 25% of past- 22 due benefits for payment for his Counsel, and that the total past-due benefits were \$133,558.00. Id. 23 On November 10, 2025, Counsel filed the instant motion for attorney’s fees pursuant to 42 24 U.S.C. § 406(b) seeking an award of \$33,389.50 in attorney’s fees, representing 25% of Plaintiff’s 25 past-due benefits.

(Doc. 28 at 1). That same day, Counsel filed a proof of service that the instant 26 motion was served on Plaintiff by U.S. mail. (Doc. 29). Defendant filed a statement of non- 27 opposition to the motion. (Doc. 30 at 2). Plaintiff did not file an opposition or statement of non- 1 II. Legal Standard 2 An attorney may seek an award of fees for representation of a Social Security claimant who 3 is awarded benefits: 4 Whenever a court renders a judgment favorable to a claimant under [42 U.S.C. § 5 401, et seq] who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for such representation 6 not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment... 7 8 42 U.S.C. § 406(b)(1)(A); see *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002) (Section 406(b) 9 controls fees awarded for representation of Social Security claimants).

The Commissioner typically 10 does not act as an adversary, but “plays a part in the fee determination resembling that of a trustee 11 for the claimants.” *Gisbrecht*, 535 U.S. at 798 n.6 (2002). Thus, “[b]ecause the [Commissioner] 12 has no direct interest in how much of the award goes to a counsel and how much to the disabled 13 person, the district court has an affirmative duty to assure that the reasonableness of the fee is 14 established.” *Crawford v. Astrue*, 586 F.3d 1142, 1149 (9th Cir.

2009); see *Gisbrecht*, 535 U.S. at 15 808-08 (the 25% statutory maximum fee is not an automatic entitlement, and the court must ensure 16 that the fee requested is reasonable). In determining whether the requested fee is reasonable, the 17 court considers (1) the character of the representation and the results achieved by the representative, 18 (2) whether the attorney is responsible for delay in effectuating benefits, and (3) whether the 19 requested fee is reasonable in light of the amount of time the attorney spent in litigating the case.

20 *Gisbrecht*, 535 U.S. at 808; *Crawford*, 586 F.3d at 1149. 21 III. Discussion 22 Counsel for Plaintiff’s motion demonstrates that the request for attorney’s fees is reasonable. 23 Counsel is an experienced attorney who secured a successful result for Plaintiff in this action. See 24 (Docs. 24, 25, 27). There is no indication that a reduction of fees is warranted due to any 25 substandard performance by Counsel.

There is also no evidence that Counsel engaged in any 26 dilatory conduct resulting in excessive delay. Indeed, Counsel's itemized bill reflects 32.1 hours 27 of time to review the 1839-page administrative record and drafting a motion for summary judgment 1 raising two issues for review. (Docs. 16, 21, 28-4).

The Court finds 32.1 hours is a reasonable 2 amount of time for the performance of those tasks. 3 The Court also finds that the total amount sought does not appear to be disproportionate to 4 the amount of time Plaintiff's counsel spent on the case. Counsel for Plaintiff requests an hourly 5 rate of \$1,040.17 (\$33,389.50 / 32.1 hours). (Doc. 28 at 5).

The amount requested does not 6 constitute a windfall. See *Crawford*, 586 F.3d at 1153 (J. Clifton, concurring in part and dissenting 7 in part) (noting that the majority opinion found reasonable effective hourly rates equaling \$519, 8 \$875, \$902); see also *Smith v. Kijakazi*, No. 1:13-cv-01717-BAK-SKO, 2022 WL 1471035, at \*2 9 (E.D. Cal. May 10, 2022) (collecting cases finding that similar amounts in attorney's fees requested 10 were appropriate); cf. *Soriano v. Saul*, 831 Fed.

Appx. 844, 844-45 (9th Cir. 2020) (holding the 11 district court had discretion to determine that a fee award of \$20,000 for 17.7 hours of work, an 12 effective hourly rate of \$1,129.94, did amount to a windfall); *Garcia v. O'Malley*, No. 1:20-cv- 13 01366-SKO, 2024 WL 1118782, at \*3 (E.D. Cal. Mar. 14, 2024) (collecting cases and finding 14 effective hourly rate of \$2,307.69 per hour not excessive); see also (Doc.

31 at 5-6) (citing cases 15 providing an hourly rate over \$1,000 per hour). 16 Similarly, the \$33,389.50 total amount is consistent with contingent fee awards granted 17 under § 406(b). See, e.g., *Aguilera v. Comm'r of Soc. Sec.*, No. 1:21-cv-00819-GSA, 2024 WL 18 3937517, at \*2 (E.D. Cal. Aug. 23, 2024) (\$27,699.75); *Thomas v. Colvin*, No. 1:11-cv-01291- 19 SKO, 2015 WL 1529331, at \*3 (E.D.

Cal. Apr. 3, 2015) (\$44,603.50). 20 Accordingly, the Court finds the fees sought by Counsel are reasonable in light of the results 21 achieved in this action. An award of attorney's fees pursuant to § 406(b) in the amount of 22 \$33,389.50 is appropriate but must be offset by any prior award of attorney's fees granted under 23 the EAJA. *Gisbrecht*, 535 U.S. at 796.

As Plaintiff was previously awarded \$7,000.00 in fees 24 pursuant to EAJA (Doc. 27), Counsel shall refund the amount of \$7,000.00 to Plaintiff. 25 IV. Conclusion and Order 26 Accordingly, IT IS HEREBY ORDERED: 27 1. Counsel for Plaintiff Jonathan Omar Peña's unopposed motion for authorization of attorney 1 2. Counsel for Plaintiff Jonathan Omar Pefia is awarded § 406(b) attorney's fees in the amount 2 of \$33,389.50; and 3 3.

Upon the receipt of the full attorney's fees, pursuant to 42 U.S.C. § 406(b), Counsel for 4 Plaintiff Jonathan Omar Pejia shall reimburse to Plaintiff the full amount of the EAJA fee 5 (\$7,000.00)

previously awarded. (Doc. 27). 6 | IT IS SO ORDERED. 7 Dated: \_ November 26, 2025 | Ww VL  
D R~ 8 UNITED STATES MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23  
24 25 26 27 28

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