

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

Sanders v. Commissioner of Social Security

Case No. 1:18-cv-01388-CDB (SS) (E.D. Cal. Mar. 3, 2025) · No. 1:18-cv-01388-CDB (SS) · Decided March 3,
2025

SUMMARY

The United States District Court for the Eastern District of California granted the parties' stipulated request for attorney's fees and costs under the Equal Access to Justice Act. The court awarded \$11,000 in fees and \$400 in costs following a sentence-four remand in the Social Security case. Payment is to be made to the plaintiff, subject to any federal debt offset, with direct payment to plaintiff's counsel if no offset applies.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 RONNIE SANDERS, Case No. 1:18-cv-01388-CDB (SS) 12 Plaintiff,
ORDER ON STIPULATION FOR AWARD OF ATTORNEY FEES AND COSTS 13 v.
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND 28 14
COMMISSIONER OF SOCIAL SECURITY, U.S.C. § 1920 15 Defendant. (Doc. 34) 16 17 18
Pending before the Court is the stipulated request of Plaintiff Ronnie Sanders ("Plaintiff") 19 for
the award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 20 U.S.C. §
2412(d), in the amount of \$11,000.00, and costs in the amount of \$400.00 under 28 21 U.S.C. §
1920, to counsel for Plaintiff, Lawrence D. Rohlfing.¹ (Doc.

34). 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 24
owe a federal debt, then the Commissioner shall cause the payment of fees, expenses, and costs 25
to be made directly to Plaintiff's counsel, Lawrence D. Rohlfing.

Id. at 2. 26 On January 21, 2025, the Court granted in part Plaintiff's motion for summary
judgment 27 and granted Defendant's motion for voluntary remand and remanded the case to the 1
Commissioner for further proceedings consistent with the order. (Doc. 32). Judgment was 2
entered the same day. (Doc. 33).

On February 28, 2025, Plaintiff filed the pending stipulation 3 for attorney fees as a prevailing
party. (Doc. 34). See *Shalala v. Schaefer*, 509 U.S. 292, 300- 4 02 (1993) (concluding that a party
who prevails with a sentence-four remand order under 42 5 U.S.C. § 405(g) is a prevailing party).
Plaintiff's filing is timely. *Van v. Barnhart*, 483 F.3d 6 600, 607 (9th Cir.

2007). The Commissioner does not oppose the requested relief. (Doc. 34). 7 The EAJA provides for an award of attorney fees to private litigants who both prevail in 8 civil actions (other than tort) against the United States and timely file a petition for fees. 28 U.S.C. § 2412(d)(1)(A).

Under the EAJA, a court shall award attorney fees to the prevailing 10 party unless it finds the government's position was "substantially justified or that special 11 circumstances make such an award unjust." *Id.* Here, the government did not show its position 12 was substantially justified and the Court finds there are not special circumstances that would 13 make an award unjust.

Moreover, the government does not oppose Plaintiff's stipulated 14 request. See *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. 15 Jan. 23, 2018) (finding position of the government was not substantially justified in view of the 16 Commissioner's assent to remand); *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 17 5324302, at *1 (E.D.

Cal. Oct. 17, 2014) (same). 18 Plaintiff requests an award of \$11,000.00 in EAJA fees as authorized by 28 U.S.C. § 19 2412 and \$400.00 in costs as authorized by 28 U.S.C. § 1920. (Doc. 34). The Ninth Circuit 20 maintains a list of the statutory maximum hourly rates authorized by the EAJA, adjusted for 21 increases in the cost of living, on its website. See *Thangaraja v. Gonzales*, 428 F.3d 870, 876- 22 77 (9th Cir.

2005). Even assuming Plaintiff's counsel seeks the median of the published 23 maximum rate associated with the years (2018 through 2025) during which he engaged in 24 services in this case (which the Court computes as \$223.37),² the requested award would 25 amount to approximately 49 hours of attorney time (not accounting for any paralegal time 26 expended).

The Court finds this reasonable and commensurate with the number of hours an 27 attorney would need to have spent reviewing the certified administrative record in this case (approximately 3,022 pages; Doc. 16), preparing a motion for summary judgment that includes 2 | ten pages of argument (Doc. 21 at 8-17), and preparing a reply brief that includes five pages of 3 | argument (Doc.

31 at 2-6). With respect to the results obtained, Plaintiff's counsel obtained a favorable judgment remanding the case for further proceedings. (Docs. 32, 33). 5 Under the EAJA, the Court also may award a judgment of costs to the prevailing party. 6) 28 U.S.C. § 2412(a)(1) (citing 28 U.S.C. § 1920). Costs include, among other things, court filing fees, as requested by Plaintiff here.

See 28 U.S.C. § 1920 & (Doc. 34-1); *Armstrong v. 8 | Astrue*, No. CIV-S-07-1456-DAD, 2008 WL 2705023, at *2 (E.D. Cal. Jul. 9, 2008) (granting prevailing plaintiff's request for reimbursement of filing fee). 10 EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury 11 | Offset Program ("TOP"), as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010).

If the 12 | Commissioner determines upon effectuation of this order that Plaintiffs EAJA fees are not 13 | subject to any offset allowed under the TOP, the fees shall be delivered or otherwise 14 | transmitted to Plaintiff's counsel. 15 Accordingly, it is HEREBY ORDERED: 16 1. Plaintiff's stipulated request for attorney's fees pursuant to the EAJA (Doc. 34) is 17 GRANTED; and 18 2.

The Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees 19 in the amount of \$11,000.00 and in costs in the amount of \$400.00 pursuant to the terms 20 set forth in the parties' stipulation. (Doc. 34). Fees shall be made payable to Plaintiff, 21 but if the Department of the Treasury determines that Plaintiff does not owe a federal 22 debt, then the government shall cause the payment of fees, expenses, and costs to be 23 made directly to Plaintiff's counsel, as set forth in the stipulation.

24 | IT IS SO ORDERED. *> | Dated: _-Mareh 3, 2025 | br Pr 26 UNITED STATES
MAGISTRATE JUDGE 27 28