

**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

OPINION

(SS) Sanders 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 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 9 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 not 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.

15 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 17 5324302, at *1 (E.D. Cal. Oct. 17, 2014) (same). Plaintiff requests an award of \$11,000.00 in EAJA fees as authorized by 28 U.S.C. § 2412 and \$400.00 in costs as authorized by 28 U.S.C. § 1920. (Doc. 34). 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. See *Thangaraja v. Gonzales*, 428 F.3d 870, 876- 77 (9th Cir. 2005). Even assuming Plaintiff's counsel seeks the median of the published maximum rate associated with the years (2018 through 2025) during which he engaged in services in this case (which the Court computes as \$223.37),² the requested award would amount to approximately 49 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 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. 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
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