

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jason Leroy Roberts v. Kilolo Kijakazi, Acting Commissioner of
Social Security

Roberts v. Kijakazi, No. 1:22-cv-00654-DAD-GSA (E.D. Cal. Mar. 6, 2023) · No. 1:22-cv-00654-DAD-GSA ·
Decided March 7, 2023

SUMMARY

This document is a stipulation and order awarding Plaintiff \$5,500 in attorney fees and expenses under the Equal Access to Justice Act, with no costs awarded under 28 U.S.C. § 1920. The order, entered by the United States District Court for the Eastern District of California, provides that payment is subject to potential Treasury offsets and preserves counsel’s ability to seek fees under 42 U.S.C. § 406(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
DECIDED	March 7, 2023
DOCKET	1:22-cv-00654-DAD-GSA
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a stipulation for an award of attorney fees and expenses under the Equal Access to Justice Act, which the court approved by order.
PRECEDENTIAL VALUE	unpublished and nonprecedential order
PARTIES	Jason Leroy Roberts v. Kilolo Kijakazi, Acting Commissioner of Social Security

TOPICS

- attorney fees
- costs
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- litigation costs

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation awarding Plaintiff \$5,500 in attorney fees and expenses under the Equal Access to Justice Act and \$0 in costs.

HOLDINGS

1. The court approved an award of \$5,500 in attorney fees and expenses under 28 U.S.C. § 2412(d) and \$0 in costs under 28 U.S.C. § 1920, subject to the terms of the parties' stipulation.

KEY QUOTATIONS

“IT IS ORDERED that fees and expenses in the amount of FIVE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$5,500.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920 be awarded subject to the terms of the Stipulation.” (Order at lines 15-20)

FACTUAL BACKGROUND

The parties agreed to resolve Plaintiff's request for attorney fees under the Equal Access to Justice Act. The stipulation provided for \$5,500 in fees and expenses under 28 U.S.C. § 2412(d) and \$0 in costs under 28 U.S.C. § 1920. It further provided that payment would be made to Plaintiff, or directly to counsel if the Treasury Department determined that Plaintiff had no qualifying federal debt.

PROCEDURAL HISTORY

In this Social Security action, the parties stipulated to an EAJA award of \$5,500 in fees and expenses and \$0 in costs. The court approved the stipulation and ordered the award subject to its terms, including potential offset for qualifying federal debt and payment provisions concerning plaintiff and his counsel.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 560 U.S. 586, 598 (2010)