

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Johnathon McMains v. Commissioner of Social Security

McMains · No. 2:24-cv-02584-DC-SCR · Decided April 7, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the parties’ stipulation awarding Plaintiff Johnathon McMains \$9,755.00 in attorney’s fees and expenses under the Equal Access to Justice Act following remand of his Social Security action. The court awarded no costs under 28 U.S.C. § 1920 and addressed payment subject to any applicable federal-debt offset.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 7, 2025
DOCKET	2:24-cv-02584-DC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought judicial review of a final decision of the Commissioner of Social Security. After the action was remanded to the Commissioner for further proceedings under 42 U.S.C. § 405(g), the parties stipulated to an award of attorney's fees and expenses under the Equal Access to Justice Act.
PRECEDENTIAL VALUE	Unknown; district court order adopting a fee stipulation
PARTIES	Johnathon McMains v. Commissioner of Social Security

TOPICS

- attorney fees
- costs
- judicial review of agency action
- administrative law
- remedies

PRACTICE AREAS

- Social Security
- administrative law
- civil procedure
- attorney fees

QUESTIONS PRESENTED

1. Whether the parties' stipulation for an award of \$9,755.00 in attorney's fees and expenses under the Equal Access to Justice Act should be approved.
2. Whether costs should be awarded under 28 U.S.C. § 1920.
3. Whether any EAJA fee payment should be made to plaintiff or directly to plaintiff's counsel in light of potential federal-debt offsets.

HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$9,755.00 in attorney's fees and expenses under 28 U.S.C. § 2412(d).
2. No costs were awarded under 28 U.S.C. § 1920.
3. EAJA fees are payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, the government shall cause payment to be made directly to Plaintiff's counsel; any assignment is subject to an allowable federal-debt offset.

KEY QUOTATIONS

“Pursuant to the EAJA, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney’s fees and expenses in the amount of \$9,755.00;” (at 1)

“Fees shall be made payable to Plaintiff, but if the DOT determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney’s fees to be made directly to Plaintiffs counsel, Francesco Paulo Benavides;” (at 1-2)

FACTUAL BACKGROUND

Johnathon McMains brought an action seeking review of a final decision of the Commissioner of Social Security. The court remanded the matter to the Commissioner for further proceedings. The parties then stipulated to an award of \$9,755.00 in attorney's fees and expenses under the EAJA and to an award of no costs under 28 U.S.C. § 1920.

PROCEDURAL HISTORY

Plaintiff filed the action on September 25, 2024. On March 19, 2025, the court remanded the matter to the Commissioner for further proceedings under 42 U.S.C. § 405(g). On April 3, 2025, the parties filed a stipulation requesting an EAJA award of \$9,755.00 and no costs under 28 U.S.C. § 1920. The court adopted the stipulation and entered the requested award.

DISPOSITION

other

CASES CITED

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

OPINION

(SS) McMains v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JOHNATHON MCMAINS, No. 2:24-cv-02584-DC-SCR

12 Plaintiff,

13 v. ORDER ADOPTING THE PARTIES'

STIPULATION FOR THE AWARD OF

14 COMMISSIONER OF SOCIAL ATTORNEY'S FEES AND EXPENSES

SECURITY, UNDER THE EQUAL ACCESS TO JUSTICE

15 ACT

Defendant. 16 (Doc. No. 17) 17 18 On September 25, 2024, Plaintiff Johnathon McMains filed this
action seeking review of a 19 final decision of Defendant Commissioner of Social Security. (Doc.
No. 1.) On March 19, 2025, 20 the matter was remanded to the Commissioner of Social Security
for further proceedings pursuant 21 to 42 U.S.C. § 405(g). (Doc. No. 15.) On April 3, 2025, the
parties filed a stipulation with the 22 court in which the parties agree that Plaintiff shall be
awarded attorney's fees and expenses under 23 the Equal Access to Justice Act ("EAJA"), 28
U.S.C. § 2412(d), in the amount of \$9,755.00, and 24 no costs under 28 U.S.C. § 1920. (Doc. No.
17.) 25 Good cause appearing, and pursuant to the parties' April 3, 2025 stipulation, the court 26
orders as follows: 27 1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's
fees 28 and expenses in the amount of \$9,755.00; 1 2. No costs are awarded under 28 U.S.C. §
1920; 2 3. After the issuance of this order, the government shall consider the assignment of 3 the
EAJA attorney's fees to Plaintiff's counsel; 4 a. Pursuant to the decision in *Astrue v. Ratliff*, 560
U.S. 586 (2010), any such 5 assignment will depend on whether the attorney's fees are subject to
any 6 offset allowed under the United States Department of Treasury's ("the 7 DOT") Offset
Program; 8 b. Fees shall be made payable to Plaintiff, but if the DOT determines that 9 Plaintiff
does not owe a federal debt, then the government shall cause the 10 payment of attorney's fees to
be made directly to Plaintiffs counsel, 11 Francesco Paulo Benavides; 12 4. Whether the payment
of attorney's fees is made payable to Plaintiff or to his 13 counsel, the check will be mailed to
Plaintiff's counsel's mailing address at: 14 Francesco Paulo Benavides Law Offices of Francesco
15 1990 N. California Blvd., 8th Floor 16 Walnut Creek, CA 94596 17 18 IT IS SO ORDERED. |
pated: _ April 6, 2025 RVI Os 20 Dena Coggins United States District Judge 22 23 24 25 26 27 28