

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

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

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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