

1 receded from on other grounds, Sorenson v. Mink, 239 F.3d 1140, 1149 (9th Cir. 2001).

2 However, the 25 percent statutory maximum fee is not an automatic entitlement; the court also
3 must ensure that the requested fee is reasonable. Gisbrecht v. Barnhart, 535 U.S. 789, 808-09
4 (2002) (“We hold that § 406(b) does not displace contingent-fee agreements within the statutory
5 ceiling; instead, § 406(b) instructs courts to review for reasonableness fees yielded by those
6 agreements.”). “Within the 25 percent boundary ... the attorney for the successful claimant must
7 show that the fee sought is reasonable for the services rendered.” Id. at 807.

8 Counsel seeks fees for 31.2 hours. Based on the quality of counsel’s representation and
9 the results achieved in this case, the undersigned finds the amount of hours expended to be
10 reasonable. The hourly rate of \$364 is also reasonable. Accordingly, the undersigned will award
11 the amount of attorney fees requested.

12 Accordingly, IT IS HEREBY ORDERED that plaintiff’s counsel is awarded \$11,363 in
13 attorney fees pursuant to 28 U.S.C. § 406. Plaintiff’s counsel shall refund to plaintiff the amount
14 of \$5,100 previously awarded under EAJA.

15 Dated: September 13, 2013

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18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE

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