

1 the claimant's disability benefits. Russell v. Sullivan, 930 F.2d 1443, 1446 (9th Cir. 1991),
2 receded from on other grounds, Sorenson v. Mink, 239 F.3d 1140, 1149 (9th Cir. 2001).

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

9 Counsel seeks fees for 27.6 hours. The Court has considered the character of counsel's
10 representation and the good results achieved by counsel, which included an award entitling
11 plaintiff to \$208,988.00 in benefits. (ECF No. 25-2.) Counsel declares that she represented
12 plaintiff in a successful appeal to a federal court resulting in a stipulated remand order in 2015,
13 which led to a successful result in 2017. Counsel has submitted a detailed billing statement
14 documenting a total of 27.6 attorney hours in 2014 and 2015. (ECF No. 25-4.) There is no
15 indication that a reduction of the award is warranted due to any substandard performance by
16 plaintiff's counsel, as counsel secured a successful result. There is also no evidence that
17 plaintiff's counsel engaged in any dilatory conduct resulting in delay.

18 Based on the quality of counsel's representation and the results achieved in this case, the
19 undersigned finds the number of hours expended to be reasonable. Accordingly, the undersigned
20 will award the amount of attorney fees requested.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for attorney fees (ECF No. 25) is granted; and
2. Plaintiff's counsel is awarded \$26,347.00 in attorney fees pursuant to 28 U.S.C. § 406, to be offset in the amount of \$4,900.00 previously awarded under EAJA. Plaintiff's counsel shall reimburse Rogaciano Vera in the amount of \$4,900.00.

Dated: October 3, 2019



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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