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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JUDY RAND,	No. 2:15-cv-1177 WBS CKD
12	Plaintiff,	
13	V.	FINDINGS AND RECOMMENDATIONS
14	CAROLYN W. COLVIN, Acting Commissioner of Social Security,	
15	Defendant.	
16	Defendant.	
17		
18	Plaintiff's motion for an award of attorneys' fees under the Equal Access to Justice Act	
19	(EAJA), 28 U.S.C. § 2412(d)(1), is pending before the court. Plaintiff seeks fees in the amount of	
20	\$6,679.41 based on 35.28 hours at the rate of \$190.28 per hour for attorney time. Defendant	
21	contends that not all of the hours claimed are reasonable. In addition, defendant contends any fee	
22	that is awarded must be made payable to the plaintiff. ²	
23	The EAJA provides that the prevailing party in a civil action against the United States	
24	may apply for an order for attorneys' fees and expenses within thirty days of final judgment in the	
25	The amount of hours claimed at the rate of \$190.28, (the statutory maximum rate under the	
26	Equal Access to Justice Act) would result in a fee award of \$6,713.08. Plaintiff's counsel does not explain this discrepancy.	
2728	² Defendant's contention on this point is well taken under <u>Astrue v. Ratliff</u> , 560 U.S. 586, 591 (2010).	

action. An applicant for Social Security benefits receiving a remand under sentence four of 42 U.S.C. § 405(g) is a prevailing party, regardless of whether the applicant later succeeds in obtaining the requested benefits. Shalala v. Schaefer, 509 U.S. 292 (1993). In this case, the matter was remanded under sentence four pursuant to the stipulation of the parties. ECF No. 20. Plaintiff thus is entitled to an award of fees under the EAJA. The court must allow the fee award unless it finds that the position of the United States was substantially justified. Flores v. Shalala, 49 F.3d 562, 568-69 (9th Cir. 1995). Because defendant does not contest this issue, the court turns to the reasonableness of the requested fee.

The EAJA directs the court to award a reasonable fee. In determining whether a fee is reasonable, the court considers the hours expended, the reasonable hourly rate, and the results obtained. See Commissioner, INS v. Jean, 496 U.S. 154 (1990); Hensley v. Eckerhart, 461 U.S. 424 (1983); Atkins v. Apfel, 154 F.3d 986 (9th Cir. 1998). Defendant does not contest the hourly rate claimed but contends that the court should not award fees for 6.55 hours spent on summaries of the record before drafting the summary of the administrative hearing and medical evidence incorporated into the brief on the motion for summary judgment.³ The billing records submitted by counsel indicate that 5.52 hours were expended by counsel in drafting the summaries. In this court's experience, a total of 12.07 hours spent in reviewing the administrative transcript, summarizing the contents, and drafting the summary for incorporation into a brief is well within the bounds of reasonableness. That is particularly so here in light of the well-drafted motion for summary judgment, which included 10 pages of summary out of an18 page brief. ECF No. 16. The court finds no redundancy in the efforts of plaintiff's counsel to properly advance the interests of his client. The court will therefore recommend that no reduction in the amount of fees claimed be made.

Accordingly, IT IS HEREBY RECOMMENDED that that fees pursuant to the EAJA be awarded to plaintiff in the amount of \$6,679.41.

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³ Such summary is required under the court's scheduling order.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). Dated: March 30, 2016

CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

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