

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 26.5 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 receive over \$72,000.00 in benefits. (ECF No. 32-1; see ECF No. 35 at 2-3.) Counsel
12 submitted a detailed billing statement that supports his request. (ECF No. 32 at 4-5.) There is no
13 indication that a reduction of the award is warranted due to any substandard performance by
14 plaintiff's counsel, as counsel secured a successful result. There is also no evidence that
15 plaintiff's counsel engaged in any dilatory conduct resulting in delay.

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

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff's amended motion for attorney fees (ECF No. 32) is granted; and
- 21 2. Plaintiff's counsel is awarded \$13,087.25 in attorney fees pursuant to 28 U.S.C. § 406,
22 to be offset in the amount of \$5,106.61 previously awarded under EAJA. Plaintiff's
23 counsel shall reimburse DeAndre Showers in the amount of \$5,106.61.

24 Dated: August 22, 2019

25 
26 CAROLYN K. DELANEY
27 UNITED STATES MAGISTRATE JUDGE

28 2/showers0053.fee-406(a)