

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CARL BERRY,	:	Case No. 1:18-cv-207
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 28)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on May 14, 2020, submitted a Report and Recommendation. (Doc. 28). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, for the reasons stated above:

1. The Report and Recommendation (Doc. 28) is **ADOPTED**;
2. Plaintiff's motion for an award of attorney fees (Doc. 24) is **CONSTRUED** as if filed under 42 U.S.C. § 1383(d);

3. Plaintiff's motion for attorney fees (Doc. 24) is **GRANTED in part and DENIED in part**;
4. Specifically, counsel is **AWARDED** a net fee of \$4,538.02 for the reasons set forth in the Report and Recommendation (Doc. 28);¹ and
5. This case shall remain **CLOSED** upon the docket of this Court.

IT IS SO ORDERED.

Date: 10/16/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge

¹ Plaintiff's counsel did not submit a copy of Plaintiff's fee agreement in connection with the motion for attorney fees. (Doc. 28 at 5 n.5, 15). Given this omission, the Magistrate Judge recommended that this Court condition counsel's fee award on counsel's submission of a copy of the fee agreement. (Id. at 15). Following the Magistrate Judge's issuance of the Report and Recommendation, counsel submitted a copy of the fee agreement. (Doc. 29). As such, the Court concludes that the Magistrate Judge's appropriate condition has been sufficiently satisfied, and that it is appropriate to award the fees recommended by the Magistrate Judge in the Report and Recommendation. (Doc. 28 at 15).