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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Michael Alan McKenzie,)	No. CV 11-784-TUC-FRZ (JR)
Plaintiff,)	ORDER
v.)	
Carolyn W. Colvin, Commissioner of Social Security,)	
Defendant.)	

Plaintiff Michael Alan McKenzie filed this action pursuant to 42 U.S.C. § 405(g) of the Social Security Act for judicial review of the final decision of the Commissioner of the Social Security Administration, denying his application for Social Security disability insurance benefits.

This matter was referred to the United States Magistrate Judge for all pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2, Rules of Practice of the United States District Court for the District of Arizona.

On July 25, 2013, Magistrate Judge Jacqueline M. Rateau issued her Report and Recommendation, recommending that the District Court, after its independent review of the record herein, remand this case to the Administrative Law Judge for further proceedings.

This Court, after consideration of all matters presented and an independent review of the record herein, and there being no objections, accepted and adopted the Report and Recommendation as the findings of fact and conclusions of law of this Court, and further

1 ordered the Plaintiff's claim for benefits remanded to the Commissioner of the Social Security
2 Administration for further proceedings in accordance with the Report and Recommendation.
3 (Doc. 19) Judgment was entered accordingly. (Doc. 20)

4 Before the Court for consideration is Plaintiff's Motion for Attorney Fees Under the
5 Equal Access to Justice Act. (Doc. 21)

6 On January 30, 2014, Magistrate Judge Jacqueline M. Rateau issued her Report and
7 Recommendation, recommending that the District Court, after its independent review of the
8 record herein, issue an order awarding Plaintiff attorney fees in the requested amount of
9 \$4,796.97, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

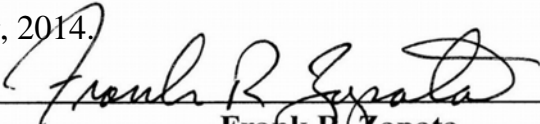
10 Plaintiff filed an objection to the Report and Recommendation (Doc. 26), submitting that
11 he is eligible for and entitled to attorney fees under the EAJA in the amount "of \$5,953.58
12 (\$4,796.97 (initial request) + \$1,156.61 (supplemental request)) reasonably incurred in this civil
13 action. 28 U.S.C. § 2412(d)," and that "[t]he Court should reject the Magistrate Judge's EAJA
14 Report insofar as it awarded Plaintiff \$4,796.97 instead of \$5,953.58 in attorney fees."

15 Defendant filed no objection or response thereto.

16 The Court finds, after consideration of all matters presented and an independent review
17 of the motion, response in opposition, and reply thereto, the Report and Recommendation and
18 Plaintiff's objection, that the findings of the Magistrate Judge as set forth in the Report and
19 Recommendation, shall be accepted and adopted, in part, as the findings of fact and conclusions
20 of law of this Court, as follows:

21 **IT IS HEREBY ORDERED** that Magistrate Judge Rateau's Report and
22 Recommendation (Doc. 25) is **ACCEPTED** and **ADOPTED** as the findings of fact and
23 conclusions of law by this Court, with the exception that Plaintiff is awarded attorney fees in
24 the amount of \$5,953.58 pursuant to 28 U.S.C. 2412(d).

25
26 DATED this 19th day of December, 2014.

27 
28 **Frank R. Zapata**
Senior United States District Judge