

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Rafael Armando Arvizu,  
Plaintiff,  
vs.  
Martin O'Malley, Commissioner of the  
Social Security Administration,  
Defendant.

No. CV 21-28-TUC-JAS (LCK)  
**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Kimmins. A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

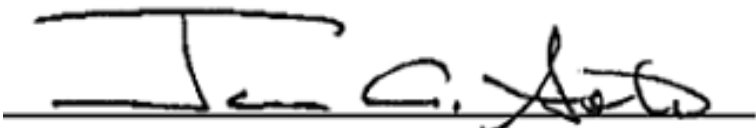
The Court has reviewed the record and concludes that Magistrate Judge Kimmins' recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:  
(1) Magistrate Judge Kimmins' Report and Recommendation (Doc. 52) is accepted and adopted. The motion for attorney's fees (Doc. 48) is granted and Plaintiff's counsel is awarded attorney's fees in the amount of \$43,745.25, less the \$11,939.12 previously received

1 under the EAJA, resulting in a net award of \$31,806.13 to be paid out of Plaintiff's past due  
2 benefits, pursuant to 42 U.S.C. 406(b).

3 (2) The Clerk of the Court shall enter a judgment in accordance with this Order.  
4  
5

6 Dated this 31st day of May, 2024.  
7  
8

9  
10 

11 Honorable James A. Soto  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28