

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL JIPSON,

Plaintiff,

v.

Case No: 2:13-cv-450-FtM-38DNF

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER¹

This matter comes before the Court on Report and Recommendation of United States Magistrate Judge Douglas N. Frazier ([Doc. 40](#)) filed on June 12, 2014. Judge Frazier recommends the Petition for EAJA Fees Pursuant to [28 U.S.C. § 2312\(d\)](#) ([Doc. 35](#)) be granted, and attorney fees in the amount of \$7,328.00 be awarded to Plaintiff, and may be paid directly to counsel if the United States Department of Treasury determines that no federal debt is owed. No objections have been filed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. [28 U.S.C. § 636\(b\)\(1\)](#); [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#); [cert. denied](#), [459 U.S. 1112 \(1983\)](#). In the absence of specific objections,

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there is no requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994); [Castro Bobadilla v. Reno](#), 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir.1994) (Table).


The Court has made an independent review of the record and Judge Frazier's Report and Recommendation. The Court agrees with Judge Frazier's findings.

Accordingly, it is now

ORDERED:

1. Report and Recommendation ([Doc. 40](#)) is **ACCEPTED and ADOPTED** and is made a part of this Order for all purposes.
2. Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. § 2312(d) ([Doc. 35](#)) is **GRANTED**. Plaintiff is awarded **\$7,328.00** in attorney's fees and this may be paid directly to counsel if the United States Department of Treasury determines that no federal debt is owed.
3. The Clerk is directed to enter an Amended Judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 1st day of July, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record