

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MELISSA FOWLER,

Plaintiff,

v.

Case No: 2:16-cv-665-FtM-38CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation ([Doc. 36](#)) on Plaintiff Melissa Fowler's Unopposed Application for Attorney Fees Under the Equal Access to Justice Act ([Doc. 33](#)). Judge Mirando recommends that the Application be granted. ([Doc. 36](#)). No party has objected to the Report and Recommendation, and the period to do so has lapsed. This matter is ripe for review.

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. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). Absent specific objections, there is no requirement that a

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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).


After independently examining the file and on consideration of Judge Miranda's findings and recommendation, the Court accepts the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 36](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. Plaintiff Melissa Fowler's Unopposed Application for Attorney Fees Under the Equal Access to Justice Act ([Doc. 33](#)) is **GRANTED**.
 - a. Plaintiff Melissa Fowler is awarded \$15,000.00 in attorney's fees under the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#); and
 - b. If the United States Department of Treasury determines that Plaintiff owes no federal debt, the Government accept Plaintiff's assignment of Equal Access to Justice Act fees and pay fees directly to Plaintiff's counsel.
3. The Clerk is **DIRECTED** to enter an Amended Judgment and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of August 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record