

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JENNIFER L. WHALEY,

Plaintiff,

v.

Case No: 2:17-cv-324-FtM-38CM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 27](#)). Judge Mirando recommends that Plaintiff Jennifer Whaley's Uncontested Petition for Equal Access to Justice Act Fees Pursuant to [28 U.S.C. § 2412\(d\)](#) be granted. ([Doc. 27](#)). 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 \(11th Cir. 1982\)](#). In the absence of specific objections, 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

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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 and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation ([Doc. 27](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. Plaintiff Jennifer Whaley's Uncontested Petition for Equal Access to Justice Act Fees Pursuant to [28 U.S.C. § 2412\(d\)](#) ([Doc. 26](#)) is **GRANTED**
  - a. Attorney's fees in the total amount of \$7,909.87 are awarded to Plaintiff pursuant to the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#); and
  - b. If the United States Department of the Treasury determines that Plaintiff does not owe a 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 of Court is **DIRECTED** to enter judgment for Plaintiff as to attorney's fees in the total amount of \$7,909.87 under the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#).

**DONE** and **ORDERED** in Fort Myers, Florida this 27th day of November 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record