

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DIANE LYNN MANCINI,

Plaintiff,

v.

Case No. 2:19-cv-798-JLB-NPM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

The Magistrate Judge filed a Report and Recommendation (“R&R”) in this matter on May 27, 2021, recommending that Plaintiff Diane Lynn Mancini’s unopposed motion for fees, costs, and expenses under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), be granted. (Docs. 23, 24.) A district judge may accept, reject or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. *Id.*; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). After an independent review of the record—and noting that the motion is unopposed—the Court agrees with the R&R.

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 24) is **ADOPTED**, and Ms. Mancini’s unopposed motion for fees and costs under the EAJA is

GRANTED. The Court awards Ms. Mancini \$8,841.79 in fees, costs, and mailing expenses pursuant to the EAJA. 28 U.S.C. § 2412(d).

2. If the United States Department of the Treasury determines that Ms. Mancini does not owe a federal debt, the Government will accept Plaintiff's assignment of EAJA fees and pay fees directly to Ms. Mancini's counsel.
3. The Clerk is directed to enter a judgment as to attorney's fees, costs, and expenses in the amount of \$8,841.79 under the EAJA. 28 U.S.C. § 2412(d).

ORDERED in Fort Myers, Florida, on June 7, 2021.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE