

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RENEE COLLINS,

Plaintiff,

v.

Case No. 2:23-CV-276-KCD

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant,

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**ORDER**

Having obtained an award of benefits, Plaintiff's attorney, Carol Avard, seeks attorney's fees under 42 U.S.C. § 406(b). (Doc. 31.) The Commissioner of Social Security neither supports nor opposes counsel's fee request because it has no direct financial stake in the outcome. (Doc. 32.)

Section 406(b) provides that an attorney who obtains a benefits award on remand may petition for a reasonable fee—not to exceed twenty-five percent of the claimant's past-due benefits—for work performed before the court.

Avard requests \$27,762.25, which is 25 percent of the past-due benefits awarded. (Doc. 31 at 1-2.) Avard further asserts that the previous EAJA award of \$9,328.62 will be returned to Plaintiff. (*Id.* at 2); *see Paltan v. Comm'r of Soc. Sec.*, 519 F. App'x 673, 674 (11th Cir. 2013) (noting that the attorney has the option of either refunding a prior EAJA award to the

plaintiff directly or reducing the § 406(b) award by the same amount). For the reasons stated in Avard's motion, the requested fee is both reasonable and appropriate under § 406(b).

Accordingly, the fee motion (Doc. 31) is **GRANTED**, and Avard is awarded § 406(b) fees of \$27,762.25. The clerk is directed to enter judgment in this amount accordingly. Avard is further directed to return the previous EAJA award to Plaintiff within fourteen days of this order.

**ORDERED** in Fort Myers, Florida on March 11, 2025.



Kyle C. Dudek  
United States Magistrate Judge