

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MAJOR MOTEN,

Plaintiff,

-vs-

Case No. 6:06-cv-143-Orl-28GJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This case is before the Court on Richard A. Culbertson's Request for Authorization to Charge a Reasonable Fee Pursuant to 42 U.S.C. § 406(b) (Doc. No. 33) filed March 16, 2009. The United States Magistrate Judge has submitted a report recommending that the motion be granted in part and denied in part.

After an independent *de novo* review of the record in this matter, and consideration of Plaintiff's Objection to the Report and Recommendation (Doc. 37) and Defendant's Response to Plaintiff's Objection (Doc. 38), the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed July 22, 2009 (Doc. No. 36) is **ADOPTED** and **CONFIRMED**¹ and made a part of this Order.

¹ The Court is aware of the decision in Davis v. Commissioner of Social Security, Doc. 47, No. 6:06-cv-1249-Orl-JA/KRS (M.D. Fla. 2009).

2. Richard A. Culbertson's Request for Authorization to Charge a Reasonable Fee Pursuant to 42 U.S.C. § 406(b) (Doc. 33) is **GRANTED in part** and **DENIED in part**.

3. Mr. Culbertson is authorized to charge and collect from Plaintiff the sum of \$21,458.35.

4. Mr. Culbertson is **ORDERED** to simultaneously refund to Plaintiff \$7,444.38 in EAJA fees.

5. Mr. Culbertson shall promptly provide a copy of this Order to Plaintiff.

6. The Clerk is directed to close this file.

DONE and ORDERED in Chambers, Orlando, Florida this 18 day of August, 2009.



JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party