

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JEFFREY ERNEST RIVERS,

Plaintiff,

v.

Case No: 6:14-cv-1429-Orl-22TBS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

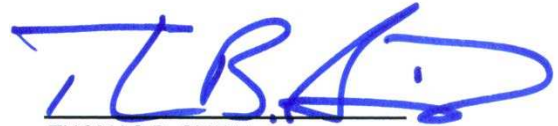
This case comes before the Court on Plaintiff's Unopposed Motion to Stay the Decision on the Report and Recommendation Dated March 21, 2017 (Doc. 33). On March 21, 2017, I entered a Report and Recommendation (Doc. 32), on Plaintiff's counsel's Request for Authorization to Charge a Reasonable Fee Pursuant to 42 U.S.C. § 406(b) (Doc. 30). In determining the amount of the fee due to Plaintiff's counsel, I followed the holding in the Eleventh Circuit's unpublished decision in Paltan v. Comm'r of Soc. Sec., 518 F. App'x 673 (11th Cir 2013). Plaintiff disagrees with Paltan and, unless action on my Report and Recommendation is stayed, he intends to object to it (Doc. 33, ¶ 3).

Plaintiff represents that the holding in Paltan is the subject of the consolidated appeals in: Akarcay v. Colvin, 16-13665-GG, U.S. Dist. Ct. M.D. Fla. Case No: 6:12-cv-1882-Orl-KRS; Schuster v. Colvin, 16-14004-GG, U.S. Dist. Ct. M.D. Fla. Case No: 6:12-cv-1882-Orl-KRS; Westfall v. Colvin, 16-13666-GG, U.S. Dist. Ct. M.D. Fla. Case No: 6:14-cv-784-Orl-DAB; and Wood v. Colvin, 16-13664-GG, U.S. Dist. Ct. M.D. Fla. Case No: 6:12-cv-915-Orl-DAB (Doc. 33, ¶ 4). Plaintiff asks the Court to stay action on my Report

and Recommendation pending the resolution of this consolidated appeal (Id.). The Commissioner does not oppose the motion (Id., at 2-3).

The Eleventh Circuit's resolution of the consolidated appeal may control the outcome of this case. Accordingly, a stay is appropriate and Plaintiff's Unopposed Motion to Stay the Decision on the Report and Recommendation Dated March 21, 2017 (Doc. 33), is **GRANTED**. Action on my Report and Recommendation (Doc. 33) is **STAYED** until the Eleventh Circuit decides the consolidated appeal, or this Court enters an Order lifting the stay, whichever occurs first.

DONE and **ORDERED** in Orlando, Florida on March 28, 2017.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record