

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RANDOLPH HOWARD FISHER,

Plaintiff,

v.

Case No. 6:15-cv-635-Orl-37LRH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff sought review of the Commissioner of Social Security's (the "**Commissioner**") decision to deny him disability benefits. (*See* Doc. 1.) On August 3, 2016, the Court reversed the Commissioner's final decision and remanded the action for further administrative proceedings. (Doc. 14.) The Court then entered judgment in favor of Plaintiff. (Doc. 15.) As the prevailing party, Plaintiff's attorney filed a motion for attorney's fees under the Equal Access to Justice Act ("**EAJA**") (Doc. 16), which the Court granted in part for a total of \$4,078.38 in attorney's fees under the EAJA (Doc. 19).

After the Commissioner found Plaintiff disabled on remand and awarded him \$124,336.00 in past-due benefits (*see* Doc. 22-2), Plaintiff's attorney moved for authorization to charge a reasonable fee under 42 U.S.C. § 406(b) (Doc. 22 ("**Fee Motion**")). Specifically, Plaintiff's attorney requested authorization to charge Plaintiff \$27,005.62 in accordance with § 406(b) and their fee agreement. (*Id.*) Plaintiff's attorney

later amended the amount of requested fees to \$25,084.00. (Doc. 26, p. 1.) On referral, U.S. Magistrate Judge Leslie R. Hoffman recommends that the Court grant the Fee Motion in part, authorizing Plaintiff's counsel to charge Plaintiff the amended fee amount of \$25,084.00. (Doc. 27 ("R&R").)

No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Leslie R. Hoffman's Report and Recommendation (Doc. 27) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Richard A. Culbertson's Request for Authorization to Charge a Reasonable Fee and Memorandum on Reasonable Fees Pursuant to 42 U.S.C. § 406(b) (Doc. 22) is **GRANTED IN PART** to the extent identified in the R&R. In all other respects the Fee Motion is **DENIED**.
3. Plaintiff's counsel, Richard A. Culbertson, is authorized to charge Plaintiff a fee under § 406(b) in the amount of **\$25,084.00**.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 4, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record