

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

YVONNE LAVENTURE,

Plaintiff,

v.

Case No. 6:15-cv-1883-Orl-37GJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This cause is before the Court on the following: (1) Plaintiff's Uncontested Petition for Attorney's Fees (Doc. 21 ("**Motion**")), filed December 15, 2016; and (2) U.S. Magistrate Judge Gregory J. Kelly's Unopposed Report and Recommendation that the Motion be Granted in Part and Denied in Part (Doc. 23 ("**Report**")), filed February 7, 2017.

I. PROCEDURAL HISTORY

On **November 6, 2015**, Plaintiff Yvonne Laventure initiated this action seeking judicial review of a final unfavorable determination on her claim for payments of Supplemental Security Income and Social Security Disability benefits ("**Administrative Determination**"). (See Doc. 1.) One year later, the Court entered an Order reversing the Administrative Determination and remanding the matter to the Social Security Administration ("**SSA**") for further proceedings. (See Doc. 19.) Seeking her attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("**EAJA**"), Plaintiff then filed her Motion (Doc. 21), which was referred to U.S. Magistrate Judge Gregory J. Kelly. On

February 7, 2017, Magistrate Judge Kelly issued the Report recommending that the Court grant the Motion to the extent that Plaintiff requests that **\$5,479.60** in EAJA fees be awarded to her. (*See* Doc. 23.) The deadline for filing objections to the Report – **February 24, 2017** – has now passed, and no objections have been filed.

II. DISCUSSION

When a party files written objections to the proposed findings and recommendations in a magistrate's report, the district court must make a *de novo* determination of the portions of the report to which an objection is made. *See* 28 U.S.C. § 636(b)(1). But when the parties do not file specific objections to the magistrate's factual findings, the district court need not conduct a *de novo* review. *See Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Rather, the district court reviews an unopposed report and recommendation for clear error. *See Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006) ("Most circuits agree that in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.")

Because the parties have filed no objections to the Report and the time to do so has passed, the Court has reviewed the Report for clear error. In doing so, the Court finds that the findings and recommendations set forth in the thoughtful Report are supported and warranted by the record. Hence the Report is due to be accepted and adopted and made part of this Order.


II. CONCLUSION

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

1. U.S. Magistrate Judge Gregory J. Kelly's Unopposed Report and Recommendation (Doc. 23) is **ACCEPTED, ADOPTED, and made part of this Order.**
2. Plaintiff's Uncontested Petition for Attorney's Fees (Doc. 21) is **GRANTED IN PART AND DENIED IN PART** as set forth in this Order and the Unopposed Report and Recommendation (Doc. 23).
3. In accordance with 28 U.S.C. § 2412(d), the Court **AWARDS \$5,479.60** to Plaintiff Yvonne Laventure for her attorney fees expended in this action.

DONE AND ORDERED in Orlando, Florida, this 8th day of March, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:

Counsel of Record