

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

EDWARD TORRES,

Plaintiff,

v.

Case No. 6:15-cv-1911-Orl-37DCI

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 February 17, 2017, the Court reversed the Commissioner's final decision and remanded the action for further administrative proceedings. (Doc. 21.) The Court then entered judgment in favor of Plaintiff. (Doc. 22.) As the prevailing party, Plaintiff's attorney filed a motion for attorney's fees under the Equal Access to Justice Act ("**EAJA**") (Doc. 23), which the Court granted in part for a total of \$4,392.69 in attorney's fees under the EAJA (Doc. 26).

After the Commissioner found Plaintiff disabled on remand and awarded him \$187,785.00 in past-due benefits (*see* Doc. 29-2), Plaintiff's attorney moved for authorization to charge a reasonable fee under 42 U.S.C. § 406(b) (Doc. 29 ("**Fee Motion**")). Specifically, Plaintiff's attorney requested authorization to charge Plaintiff \$39,469.41 in accordance with § 406(b) and their fee agreement. (*Id.*) On referral,

U.S. Magistrate Judge Daniel C. Irick recommends that the Court grant the Fee Motion, authorizing Plaintiff's counsel to charge him \$39,469.41 in attorney fees. (Doc. 40 ("R&R").)

The parties do not object to the R&R. (Doc. 42.) Absent objection, 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 Daniel C. Irick's Report and Recommendation (Doc. 40) 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. 29) is **GRANTED**.
3. Plaintiff's counsel, Richard A. Culbertson, is authorized to charge Plaintiff a fee under § 406(b) in the amount of **\$39,469.41**.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 15, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record