

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FREDRICKA PANDREICKA JONES,

Plaintiff,

v.

Case No. 6:16-cv-755-Orl-37GJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In the instant appeal, Plaintiff sought review of the Commissioner's denial of her claim for social security disability benefits. (Doc. 1.) On March 16, 2017, the Court entered judgment in Plaintiff's favor and reversed and remanded this case for further administrative proceedings. (Doc. 17.)

As the prevailing party, Plaintiff now seeks: (1) an award of attorney fees in the amount of \$3,390.98 ("**Award**") under the Equal Access to Justice Act ("**EAJA**"); and (2) to direct payment of the Award to her counsel.¹ (Doc. 18 ("**Fees Motion**").) On referral, U.S. Magistrate Judge Gregory J. Kelly issued a Report recommending that the Court grant the Fees Motion in part. (Doc. 19 ("**R&R**").) In doing so, Magistrate Judge Kelly concludes that: (1) Plaintiff is entitled to the full amount of the Award as the prevailing party; (2) the hourly rates underlying the Award do not exceed the statutory maximum

¹ On April 12, 2016, Plaintiff assigned her right to any fees awarded under the EAJA to her counsel. (See Doc. 18-1 ("**Assignment**").)

under the EAJA; and (3) the Court should deny the Assignment because it violates the Anti-Assignment Act, 31 U.S.C. § 3727(b). (*Id.* at 2-3.)

As the parties have filed a joint notice of no objection to the R&R (Doc. 20), the Court has reviewed it only for clear error. *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 Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court agrees with Magistrate Judge Kelly and adopts the R&R in its entirety.

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

1. U.S. Magistrate Gregory J. Kelly's Report and Recommendation (Doc. 19) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Uncontested Motion for Attorney Fees (Doc. 18) is **GRANTED IN PART AND DENIED IN PART**.
 - a. The Motion is **GRANTED** to the extent that the Court awards Plaintiff attorney fees under the Equal Access to Justice Act in the amount of **\$3,390.98**.
 - b. In all other respects, the Motion is **DENIED**. However, the Commissioner may exercise her discretion to honor Plaintiff's Assignment if the U.S. Department of the Treasury determines that Plaintiff does not owe a debt to the U.S. Government.

DONE AND ORDERED in Chambers in Orlando, Florida, on July 11, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record