

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TOBY WAYNE PETERSON,

Plaintiff,

v.

Case No: 6:16-cv-948-Orl-40GJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

This cause is before the Court on Plaintiff's Unopposed Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (Doc. 22) filed on March 8, 2017. The United States Magistrate Judge has submitted a report recommending that the motion be granted in part and denied in part.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed March 9, 2017 (Doc. 23), is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Unopposed Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. 2412(d) (Doc. 22) is **GRANTED** only to the extent that the Court awards EAJA attorney's fees to Plaintiff, as the prevailing party, in the sum of \$1,560.22.
3. Otherwise, the Motion is **DENIED**.

4. The United States Department of the Treasury may exercise its discretion to honor Plaintiff's assignment of benefits if it determines that Plaintiff does not owe a debt to the Government.

DONE AND ORDERED in Orlando, Florida on March 24, 2017.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties