

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SARAH BLAKELY,

Plaintiff,

v.

Case No. 6:16-cv-987-Orl-37GJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

On March 23, 2017, the Court issued an Order in this social security appeal reversing the decision of the Commissioner at the administrative level and remanding this action for further proceedings. (Doc. 16 (“**March 23 Order**”).) The Clerk later entered Judgment in Plaintiff’s favor consistent with the March 23 Order.

Pursuant to the Equal Access to Justice Act, Plaintiff now moves for an award of attorney fees in the amount of \$3,441.82, which she requests be paid directly to her attorney. (Doc. 18 (“**Motion for Fees**”).) On referral, U.S. Magistrate Judge Gregory J. Kelly issued a Report recommending that the Court grant the Motion for Fees in part, in light of his findings that: (1) Plaintiff is entitled to \$3,441.82 in attorney fees; (2) such fees are reasonable; and (3) Plaintiff’s purported assignment of these fees to her attorney violates 31 U.S.C. § 3727(b), as it was made prior to the Court’s award. (Doc. 19 (“**R&R**”).) Based on the latter finding, Magistrate Judge Kelly recommends that the Court award the requested attorney fees directly to Plaintiff.

The Motion for Fees was unopposed, and neither party objected to the R&R; thus, the Court has reviewed 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 Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). In the absence of such 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 Gregory J. Kelly's Report and Recommendation dated May 15, 2017 (Doc. 19) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Uncontested Motion for Attorney's 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 **\$3,441.82**.
 - b. In all other respects, the Motion is **DENIED**. However, the U.S. Department of the Treasury may exercise its discretion to honor Plaintiff's assignment of fees to her counsel if it determines that she does not owe a debt to the U.S. Government.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 31, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record