

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WILLIAM HERNANDEZ-CRUZ,

Plaintiff,

v.

Case No: 6:16-cv-1370-Orl-41TBS

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

_____ /

ORDER

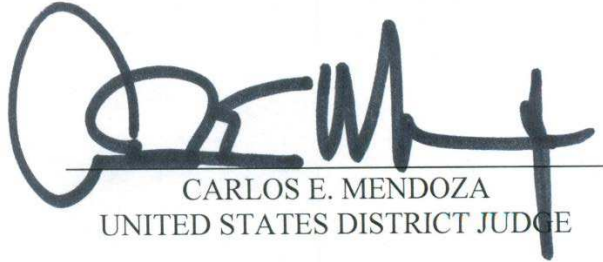
THIS CAUSE is before the Court on Plaintiff's Uncontested Motion for Attorney's Fees (Doc. 17). United States Magistrate Judge Thomas B. Smith submitted a Report and Recommendation (Doc. 18), recommending that the Court grant the motion. Judge Smith also recommends that the Court authorize payment to Plaintiff's counsel if the Commissioner determines Plaintiff does not owe a debt to the government. Because the Commissioner has previously taken inconsistent opinions regarding whether she will honor a plaintiff's assignment of fees awarded pursuant to the Equal Access to Justice Act ("EAJA"), 29 U.S.C. § 2412(d), the Court will not require that the EAJA fees be paid directly to Plaintiff's counsel but will permit the Commissioner to do so in her discretion.

After a *de novo* review of the record, and noting that no objections were timely filed, the Court otherwise agrees with the Report and Recommendation. It is therefore **ORDERED** and **ADJUDGED** as follows:

1. To the extent that it is consistent with this Order, the Report and Recommendation (Doc. 18) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Plaintiff's Uncontested Motion for Attorney's Fees (Doc. 17) is **GRANTED**.
3. Plaintiff is awarded attorney's fees in the amount of \$2,601.03.
4. Plaintiff is also awarded costs in the amount of \$400.00, which is to be paid out of the judgment fund.
5. The Commissioner may, in her discretion, pay all or part of the attorney's fees directly to Plaintiff's counsel should she determine that it is appropriate to do so.

DONE and **ORDERED** in Orlando, Florida on July 3, 2017.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record