

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JAVIER PINEIRO ORTIZ,

Plaintiff,

v.

Case No. 6:16-cv-1986-Orl-37GJK

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Plaintiff's attorney, Richard A. Culbertson ("**Culbertson**"), filed an unopposed request to charge Plaintiff attorney's fees. (Doc. 28 ("**Motion**").) Culbertson seeks \$4,892.50, equaling 25% of Plaintiff's past-due benefits minus the Equal Access to Justice Act fees previously awarded. (*Id.* ¶ 3.) On referral, U.S. Magistrate Judge Daniel C. Irick recommends granting the Motion. (Doc. 29 ("**R&R**").)

No party objected to the R&R, and the time for doing so has now passed. 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 such error, the Court finds that the R&R is due to be adopted in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 29) is **ADOPTED, CONFIRMED**, and made a part of this Order.

2. Richard A. Culbertson's Unopposed Request for Authorization to Charge a Reasonable Fee (Doc. 28) is **GRANTED**.
3. Richard A. Culbertson is **AUTHORIZED** to charge Plaintiff Javier Pineiro Ortiz \$4,892.50 in attorney's fees.
4. The Judgment (Doc. 19) is **AMENDED** to award fees pursuant to 42 U.S.C. § 406(b) in the amount of \$4,892.50.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on November 2, 2020.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record

