

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MAXIMA SANCHEZ,

Plaintiff,

v.

Case No: 6:17-cv-429-ORL-18DCI

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

ORDER

THIS CAUSE is before the Court on consideration of the Plaintiff's Unopposed Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (Doc. 21 ("Motion")), the report and recommendation issued by United States Magistrate Judge Daniel C. Irick (Doc. 22 ("Report")), and the parties' Joint Notice of No Objection to Report (Doc. 23 ("Notice")).

In this action, Plaintiff Maxima Sanchez ("Plaintiff") successfully challenged a final administrative decision issued by the Commissioner of Social Security Administration ("Defendant"). (See Docs. 1, 18, 19.) After judgment was entered in Plaintiff's favor and against Defendant, Plaintiff filed her timely and unopposed Motion under the Equal Access to Justice Act ("EAJA"). (See Docs. 20, 21.) Plaintiff also filed a "Schedule of Hours" and declaration of attorney Shea A. Fugate ("Fugate Declaration") and an "Assignment of EAJA Fees" dated April 25, 2018 ("Assignment"). (See Docs. 21-2, 21-3.) The Assignment bears Plaintiff's signature and directs that any award of attorney fees under the EAJA "should be made payable to counsel and not to me as the Plaintiff" ("Payment Directive"). (See Doc. 21-3.)

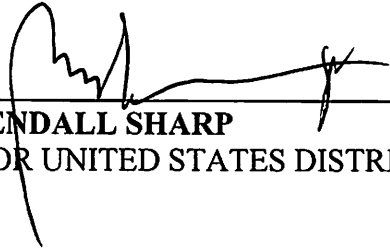
On referral of the Motion, Judge Irick issued the Report, which sets forth proposed findings that: (1) Plaintiff is entitled to an award of costs and reasonable attorney fees as the “prevailing party” in this action; (2) the hours and fee rates reflected in the Fugate Declaration are reasonable (27.9 hours x \$192.62 per hour = \$5,374.09); and (3) in awarding the requested fees and costs, the Court should give no effect to the Payment Directive because the Plaintiff did not execute the Assignment in the time prescribed by the Anti-Assignment Act, 31 U.S.C. § 3727(b). (*See* Doc. 22, pp. 2, 4–5 (noting that the government has discretion to honor the Assignment if it finds that Plaintiff owes it no debt).) In accord with these findings, Judge Irick recommended that the Court grant the Motion to the extent that Plaintiff requests an award of \$400 for costs and \$5,374.09 for fees, but deny the Motion “in all other respects.” (*See id.* at 4–5.) According to the Notice filed on May 10, 2018, the parties have no objections to the Report and they request that it be adopted “at the Court’s earliest convenience.” (Doc. 23.)

Upon review, the Court finds no error in the Report; thus, it is hereby **ORDERED** and **ADJUDGED** that:

1. United States Magistrate Judge Daniel C. Irick’s Report and Recommendation (Doc. 22) is **APPROVED** and **ADOPTED** and is made part of this Order for all purposes, including appellate review.
2. Plaintiff’s Unopposed Motion for Award of Attorney Fees Pursuant to the EAJA (Doc. 21) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Plaintiff Maxima Sanchez is awarded **\$5,774.09** for her costs and reasonable attorney fees; and
 - b. the Motion is otherwise denied.

3. The Clerk of Court is directed to **ENTER JUDGMENT** accordingly.

DONE and **ORDERED** in Orlando, Florida on this 6 day of June, 2018.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record