

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MARTHA GOODING,

Plaintiff,

v.

Case No. 6:18-cv-348-Orl-37LRH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

On May 17, 2019, judgment was entered in favor of Plaintiff Martha Gooding after the Court reversed the Commissioner of Social Security's final decision and remanded the case for further administrative proceedings. (Docs. 26, 27.) As the prevailing party, Plaintiff now seeks an award of \$5,400.20 in attorneys' fees under the Equal Access to Justice Act ("EAJA").¹ (Doc. 28 ("Motion").) On referral, U.S. Magistrate Judge Leslie R. Hoffman recommends granting the Motion to the extent that Plaintiff be awarded \$5,400.20 in attorneys' fees. (Doc. 29 ("R&R").) Construing the Motion as also requesting the Court order the Government to honor Plaintiff's Assignment of attorneys' fees to her counsel, Magistrate Judge Hoffman recommends denying this request and allowing the Government to exercise its discretion in deciding whether to honor the Assignment. (*Id.*

¹ Plaintiff assigned her right to attorneys' fees to her counsel, Shea A. Fugate. (Doc. 28-3 ("Assignment").) As Defendant did not respond to the Motion, it is unclear whether the Commissioner opposes the Assignment.

at 5.)

The parties did not object to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R 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 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 Judge Leslie R. Hoffman's Report and Recommendation (Doc. 29) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff Martha Gooding's Unopposed Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Doc. 28) is **GRANTED IN PART AND DENIED IN PART**:
 - a. The Motion is **GRANTED** to the extent that Plaintiff is awarded \$5,400.20 in attorneys' fees pursuant to the EAJA.
 - b. In all other respects, the Motion is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 7, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record

