

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ZENI PARRIS GIBSON,

Plaintiff,

v.

Case No: 6:21-cv-915-LHP

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: UNOPPOSED MOTION FOR ATTORNEY'S FEES
UNDER 42 U.S.C. § 406(b) (Doc. No. 28)**

FILED: September 12, 2023

THEREON it is ORDERED that the motion is DENIED.

By the above-styled motion, counsel for Plaintiff Bradley K. Boyd, Esq. seeks an award of attorney's fees pursuant to 42 U.S.C. § 406(b), following an award of social security benefits to Claimant and her auxiliary beneficiaries on remand. Doc. No. 28. The record reflects that the Notices of Award for the auxiliary

beneficiaries issued November 21, 2022. Doc. Nos. 28-1 through 28-4. A Notice of Award regarding Plaintiff's past-due benefits issued March 11, 2023. Doc. No. 28-5. But Attorney Boyd filed the above-styled motion on September 12, 2023. Doc. No. 28.

Upon initial consideration, the Court questioned whether the motion was timely filed given that it was filed several months after the Notices of Award issued. Accordingly, the Court issued an Order directing supplemental briefing from the parties on this issue. Doc. No. 29. Attorney Boyd's supplemental briefing was due on or before October 11, 2023. *Id.* at 2. However, Attorney Boyd has not timely filed a supplemental brief as directed, which the Court deems as a concession that the above-styled motion is untimely.

Accordingly, the Unopposed Motion for Attorney's Fees Under 42 U.S.C. § 406(b) (Doc. No. 28) is **DENIED**.

DONE and ORDERED in Orlando, Florida on October 12, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties