

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SAMUELE JUN GORGOGLIONE,

Plaintiff,

v.

Case No. 8:13-cv-953-T-33TBS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**

This matter is before the Court on consideration of the Report and Recommendation of United States Magistrate Judge Thomas B. Smith (Doc. # 34), filed on April 16, 2015. Judge Smith recommended that Plaintiff's Attorney's Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) (Doc. # 31) be granted, and that this Court approve § 406(b) attorney's fees in the amount of **\$21,894.51**, "to be paid out of Plaintiff's past due benefits currently being withheld by the Social Security Administration." (See Doc. # 34).

As of this date, no objection to the Report and Recommendation has been filed, and the time to do so has now passed. After careful consideration, the Court adopts the Report and Recommendation of the Magistrate Judge.

## Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983).

In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Hous. v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

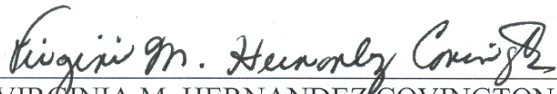
After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving de novo review to matters of law, the Court accepts the factual findings and legal conclusions of the Magistrate Judge, and adopts the recommendation of the Magistrate Judge.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation of Thomas B. Smith, United States Magistrate Judge (Doc. # 34) is **ADOPTED**.
- (2) Plaintiff's Attorney's Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) (Doc. # 31) is **GRANTED**.
- (3) This Court approves the requested § 406(b) attorney's fees in the amount of **\$21,894.51**, which shall be paid out of Plaintiff's past due benefits currently being withheld by the Social Security Administration.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 5th day of May, 2015.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record