

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROSA MARIA DIAZ,

Plaintiff,

v.

Case No: 8:18-cv-237-T-36CPT

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Christopher P. Tuite on May 15, 2020 (Doc. 31). In the Report and Recommendation, Magistrate Judge Tuite recommends that the Court: (1) grant Plaintiff's petition (Doc. 29) and award Plaintiff attorney's fees in the amount of \$31,478.15 pursuant to 42 U.S.C. § 406(b); and (2) direct that this sum be paid to Plaintiff's counsel from the past-due benefits currently being withheld by the Commissioner, and that, upon receipt of these funds, Plaintiff's counsel promptly refund to Plaintiff the previously awarded EAJA fee of \$8,758.25. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

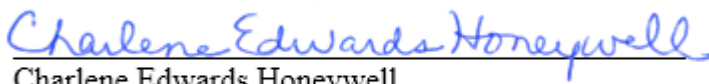
Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted.

Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 31) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiff's petition (Doc. 29) is GRANTED. Plaintiff is awarded attorney's fees in the amount of \$31,478.15 pursuant to 42 U.S.C. § 406(b).
- (3) The sum of \$31,478.15 shall be paid to Plaintiff's counsel from the past-due benefits currently being withheld by the Commissioner. Upon receipt of these funds, Plaintiff's counsel shall promptly refund to the Plaintiff the previously awarded EAJA fee of \$8,758.25.

DONE AND ORDERED at Tampa, Florida on June 1, 2020.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Christopher P. Tuite
Counsel of Record