

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

DOUGLAS EDWARD VERGARA,

Plaintiff,

v.

Case No: 8:18-cv-1141-CEH-JRK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge James R. Klindt on April 13, 2021 (Doc. 34). In the Report and Recommendation, Magistrate Judge Klindt recommends:

1. That Plaintiff's Unopposed Petition and Memorandum in Support for Reasonable Attorney's Fees Pursuant to 41 U.S.C. § 406(b) (Doc. No. 31) be GRANTED to the extent set forth below;
2. That Plaintiff's counsel, Carol Avard, be awarded \$34,520.45 pursuant to 42 U.S.C. § 406(b), minus the \$8,070.50 already received by counsel as EAJA fees. That the net award of \$26,449.95 shall be paid to counsel from the past-due benefits withheld. That to the extent the withheld funds are insufficient to pay the net award, Ms. Avard may follow the appropriate administrative procedures to recover the outstanding amount;
3. That the Clerk of the Court be directed to enter judgment accordingly; and

4. That the file remain closed.

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. 34) 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 Unopposed Petition and Memorandum in Support for Reasonable Attorney's Fees Pursuant to 41 U.S.C. § 406(b) (Doc. No. 31) is GRANTED to the extent set forth below.
- (3) Plaintiff's counsel, Carol Avard, is awarded \$34,520.45 pursuant to 42 U.S.C. § 406(b), minus the \$8,070.50 already received by counsel as EAJA fees. The net award of \$26,449.95 shall be paid to counsel from the past-due benefits withheld. To the extent the withheld funds are insufficient to pay the net award, Ms. Avard may follow the appropriate administrative procedures to recover the outstanding amount.
- (4) The Clerk of the Court is directed to enter judgment accordingly.
- (5) This file shall remain closed.

DONE AND ORDERED at Tampa, Florida on April 29, 2021.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable James R. Klindt
Counsel of Record