

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SHERRY ERTEL,

Plaintiff,

v.

Case No. 8:19-cv-1003-VMC-SPF

Commissioner of Social Security,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Sean P. Flynn's Report and Recommendation (Doc. # 29), filed on June 17, 2022, recommending that Plaintiff's Unopposed Motion for Attorney's Fees Under 42 U.S.C. § 406(b) (Doc. # 28) be granted. The Court accepts and adopts the Report and Recommendation and grants the Motion.

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). In the absence of specific objections, there is no requirement that a district

judge review the 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 recommendation. 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-Houston 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.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 29) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's Unopposed Motion for Attorney's Fees Under 42 U.S.C. § 406(b) (Doc. # 28) is **GRANTED**.
- (3) Plaintiff's counsel should be awarded \$7,308.09 in attorney's fees.
- (4) The Clerk is directed to enter judgment accordingly.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 2nd
day of August, 2022.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE