

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

KIMBERLY EDDY obo
SHELBY EDDY,

Plaintiff,

v.

Case No. 8:21-cv-2346-TPB-SPF

KILOLO KIJAKAZI,
Acting Commissioner of the Social
Security Administration,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on July 13, 2022. (Doc. 22). Judge Flynn recommends that “Plaintiff’s Unopposed Motion for Award of Attorneys’ Fees Pursuant to Equal Access to Justice Act 28 U.S.C. §2412” (Doc. 21) be granted. Judge Flynn specifically recommends that Plaintiff be awarded \$1,602.00 in attorney’s fees. No objections have been filed, and the time to file objections has expired.

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); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no

objection is filed, a court reviews the report and recommendation for clear error.

Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Flynn's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's motion for attorney's fees is granted.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Flynn's report and recommendation (Doc. 22) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Unopposed Motion for Award of Attorneys' Fees Pursuant to Equal Access to Justice Act 28 U.S.C. §2412" (Doc. 21) is hereby **GRANTED**.
- (3) Plaintiff is awarded \$1,602.00 in attorney's fees, which may be paid directly to counsel if the United States Department of Treasury determines that no federal debt is owed.
- (4) The Clerk is **DIRECTED** to enter an amended final judgment in favor of Plaintiff and against the Commissioner of Social Security that includes the award of attorney's fees and costs in this case, as set forth herein.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 29th day of July, 2022.

T. Barber

**TOM BARBER
UNITED STATES DISTRICT JUDGE**