

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 09-22542-CIV-SEITZ/DUBE

MAGALY PINEDA,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

**ORDER AFFIRMING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION**

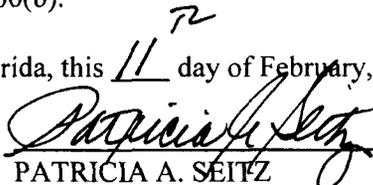
THIS MATTER is before the Court upon the Report and Recommendation [DE-18] of the Honorable Robert L. Dube, United States Magistrate Judge, to which no party has filed an objection. Magistrate Judge Dube recommends awarding Plaintiff's counsel fees pursuant to the Equal Access to Justice Act in the amount of \$2000.69, based on 11.54 hours of work at the rate of \$173.37 per hour. After carefully reviewing, *de novo*, the record and pertinent legal authorities, the Report and Recommendation shall be affirmed and adopted. Accordingly, it is hereby

ORDERED that

(1) The Petition For Attorney's Fees is GRANTED and Plaintiff's is entitled to recover pursuant to the Equal Justice Act for 11.54 hours of work performed in this case at the rate of \$173.37 per hour, resulting in a total recovery of \$2,000.69 as attorney's fees. The fees should be payable to Plaintiff's attorney, Lilli W. Marder.

(2) The Motion For Leave To File Motion For Attorney's Fees under the Social Security Act is GRANTED and Plaintiff is allowed 30 days after the date of Notice of Award for past due disability benefits to file a Motion for Attorney's Fees pursuant to 42 U.S.C. § 406(b).

DONE and ORDERED in Miami, Florida, this ⁷² 11 day of February, 2010.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc:
Counsel of Record