

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:21-cv-22181-KMM

BRANDON BLOCKER,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

/

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiff Brandon Blocker's ("Plaintiff") Unopposed Request for Authorization to Charge a Reasonable Fee and Memorandum on Reasonable Fees Pursuant to 42 U.S.C. § 406(b) ("Motion" or "Mot.") (ECF No. 24). The Motion was referred to the Honorable Lauren F. Louis, United States Magistrate Judge (ECF No. 25) who issued a Report and Recommendation, ("R&R") (ECF No. 26), recommending that the Motion be GRANTED. No objections to the R&R were filed, and the time to do so has now passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific objection" to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). "It is critical that the objection be sufficiently specific and not a general

objection to the report” to warrant *de novo* review. *Id.* Yet when a party has not properly objected to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-21230-CIV, 2015 WL 12780912, at *1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at *2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge “evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review” (citing *Davis v. Apfel*, 93 F. Supp. 2d 1313, 1317 (M.D. Fla. 2000))).

In her Report and Recommendation, Magistrate Judge Louis concludes that (1) Plaintiff is entitled to an award of attorney’s fees pursuant to 42 U.S.C. § 406(b), less the EAJA fees previously awarded , (2) the fee sought by Plaintiff’s counsel is reasonable and no reduction to the fee is necessary, and (3) Plaintiff may recover \$8,838.75, less the EAJA fees previously awarded, for a net fee of \$3,617.79, reflecting 25 percent of past-due benefits awarded to Plaintiff. R&R at 2–4. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 26) is ADOPTED. Plaintiff’s Unopposed Request for Authorization to Charge a Reasonable Fee is GRANTED. Plaintiff is awarded \$3,617.79 pursuant in attorney’s fees to 42 U.S.C. § 406(b)(1).

DONE AND ORDERED in Chambers at Miami, Florida, this 7th day of March, 2025.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record