

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

Case No. 1:22-cv-20446-KMM

JULIO RODRIGUEZ,

Plaintiff,

v.

KILOLO KIJAKAZI,
*Acting Commissioner of the
Social Security Administration,*

Defendant.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiff's Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act. ("Motion" or "Mot") (ECF No. 20). Therein, Plaintiff requests that the Court enter an order granting it \$2,939.92 to be paid to his attorneys pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. *See generally* Mot. The matter was referred to the Honorable Lauren Fleischer Louis, United States Magistrate Judge. (ECF No. 21). On December 30, 2022, Magistrate Judge Louis issued a Report and Recommendation, ("R&R") (ECF No. 22), 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) the fee award sought by Plaintiff’s counsel is reasonable given his experience and the number of hours spent on the case, *see* R&R at 2–3; and (2) Plaintiff’s counsel is entitled to an upward adjustment to his hourly rate based on increases in the cost of living, *id.* at 3. 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 Magistrate Judge Louis’s R&R (ECF No. 22) is ADOPTED. Plaintiff’s Motion is GRANTED. Plaintiff is awarded \$2,939.92 in attorney’s fees, to be paid to Plaintiff’s counsel once the U.S. Department of the Treasury determines that Plaintiff owes no debt to the United States.

DONE AND ORDERED in Chambers at Miami, Florida, this 17th day of January, 2023.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record