

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 21-14105-CIV-CANNON/Maynard

CHRISTIAN SIMONETTE,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS**

THIS CAUSE is before the Court upon Plaintiff's Motion for Attorneys' Fees Under the Equal Access to Justice Act [ECF No. 16]. On February 25, 2021, the Court referred this case to Magistrate Judge Shaniek M. Maynard for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters [ECF No. 2]. On December 17, 2021, Judge Maynard issued a Report ("R&R") recommending that the Motion for Attorneys' Fees be granted [ECF No. 17]. The R&R states that the parties shall file any objections within fourteen days of the date of service of the R&R [ECF No. 17 p. 10]. No party has filed objections.

The Court has conducted a *de novo* review of the R&R and the record in this case and is otherwise fully advised in the premises. *See Williams v. McNeil*, 557 F.3d 1287, 1291 (11th Cir. 2009) (citing 28 U.S.C. § 636(b)(1)). Upon review, the Court finds the R&R to be well reasoned and correct. The Court therefore agrees with the analysis in the R&R and concludes that the Motion for Attorneys' Fees [ECF No. 16] should be **GRANTED** for the reasons set forth therein.

CASE NO. 21-14105-CIV-CANNON/Maynard

Accordingly, it is **ORDERED and ADJUDGED** as follows:

1. The R&R [ECF No. 17] is **ADOPTED**.
2. Plaintiff's Motion for Attorneys' Fees [ECF No. 16] is **GRANTED**.
3. Plaintiff shall be awarded a total of \$760.07 in attorneys' fees and \$402.00 in costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
4. The Secretary of the U.S. Department of the Treasury shall determine whether Plaintiff owes a qualifying, pre-existing debt to the federal government. If such a debt exists, the Secretary shall reduce the attorney fee amount awarded by the extent necessary to pay it. Pursuant to the Plaintiff's assignment of the EAJA fee award to his attorney, ECF No. 16-1, the Secretary shall pay the balance to Erik W. Berger, Esq. and send that payment to the following address: 3744 Dupont Station Court South, Jacksonville, Florida 32217.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 10th day of January
2022.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record