

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

RODNEY PATTON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. CV420-174
)	
KILOLO KIJAKAZI, Acting)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	
)	

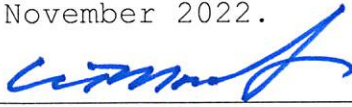
O R D E R

Before the Court is the Magistrate Judge's October 26, 2022, Report and Recommendation (Doc. 35), to which no party has filed objections. After a careful review of the record,¹ the report and recommendation (Doc. 35) is **ADOPTED** as the Court's opinion in this case. Plaintiff's Unopposed Consent Motion for Attorney's Fees Pursuant to the Social Security Act, 42 U.S.C. § 406(b) (Doc. 34) is **GRANTED**. Plaintiff is awarded \$25,280.00 in attorney's fees, which is equal to 25 percent of the total past due benefits awarded to Plaintiff as contemplated by the contingent fee agreement

¹ The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (outlining the standard of review for report and recommendations (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam))).

between Plaintiff and counsel. The Court has already awarded fees under the Equal Access to Justice Act ("EAJA") totaling \$6,614.68. (Doc. 31.) Therefore, upon receipt of the \$ 406(b) fee award, Plaintiff's counsel must refund the previously received EAJA fee award amount directly to Plaintiff. (Doc. 35 at 4 (citing Gisbrecht v. Barnhart, 535 U.S. 789, 796, 22 S. Ct. 1817, 1822, 152 L. Ed. 2d 996 (2002)).)

SO ORDERED this 17th day of November 2022.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA