

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMANUEL PIZZO,

Plaintiff,

vs.

Case No. 13-CV-11344
HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. 26]

Plaintiff Emanuel Pizzo filed a motion for fees and costs under the Equal Access to Justice Act ("EAJA"), which was referred to the magistrate judge for report and recommendation. On November 14, 2014, the magistrate judge issued a report and recommendation recommending that plaintiff's motion for attorney fees be granted in part and the case be remanded to the Commissioner to determine whether the assignment to plaintiff's counsel is valid and whether plaintiff is indebted to the government.

The Commissioner filed objections to the report and recommendation within the established time period. The Commissioner objects to the recommendation that plaintiff be awarded an enhanced hourly rate of \$187.02, adjusted for increases to the cost of living, as opposed to the \$125.00 per hour presumptive ceiling. The Commissioner also objects to the hours claimed for attorney work as being excessive

given the replication of content that appears in the district court brief and filings at the administrative level.

The magistrate judge thoroughly considered and analyzed the Commissioner's arguments before arriving at his recommendation. This court agrees with the magistrate judge's reasoning and conclusions, and is not persuaded otherwise by any of the arguments contained in the Commissioner's objections. Now, therefore,

IT IS HEREBY ORDERED that the magistrate judge's report and recommendation is accepted.

IT IS HEREBY FURTHER ORDERED that plaintiff's motion for attorney fees is GRANTED in part. Fees of \$7,750.11 and costs of \$350.00 are awarded to plaintiff.

IT IS HEREBY FURTHER ORDERED that the case is remanded to the Commissioner to determine whether the assignment to plaintiff's counsel is valid and whether plaintiff is indebted to the government. If the assignment is valid and plaintiff is not indebted to the government, the attorney fee award may be payable directly to plaintiff's counsel.

Dated: December 15, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 15, 2014, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk