

1
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

John W. Kocan,
Plaintiff

v.

Carolyn W. Colvin,
Defendant

2:14-cv-01058-JAD-NJK

**Order Adopting Report and
Recommendation and Granting
Amended Motion for Attorney's Fees**

[ECF 23, 29]

10 John W. Kocan sued Carolyn W. Colvin, as the acting commissioner of Social Security, to
11 recoup benefits he claims were unjustly denied to him.¹ The government stipulated to remand before
12 any substantive briefing occurred in this case, and Kocan ultimately prevailed in obtaining benefits.
13 Kocan now requests attorney's fees under 42 USC § 406(b);² the government filed a non-opposition
14 in response.³ Magistrate Judge Koppe entered a report recommending that I grant Kocan's
15 unopposed motion for \$8,000 in attorney's fees, to be offset by the Equal Access to Justice Act
16 (EAJA) fee award already provided. Objections to Magistrate Judge Koppe's report and
17 recommendation were due by March 4, 2016. Neither party has filed an objection or requested an
18 extension to do so.

19 "[N]o review is required of a magistrate judge's report and recommendation unless
20 objections are filed." *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also*
21 *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
22 Cir. 2003).

23 Accordingly, and with good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, and
24 DECREED that Magistrate Judge Koppe's Report and Recommendation [ECF 29] is **ADOPTED**;

25 _____
26 ¹ ECF 3.

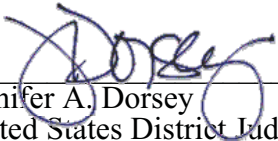
27 ² ECF 23.

28 ³ ECF 24.

1 IT IS FURTHER ORDERED that plaintiff's **Amended Motion for Attorney's Fees [ECF**
2 **23]** is **GRANTED**; **Kocan** is awarded **\$8,000** in attorney's fees, to be offset by the EAJA fee
3 **award already provided.**

4 **The Clerk of Court is directed to enter judgment in favor of the plaintiff in the total**
5 **amount of \$8,000 (which includes the \$1,425.00 awarded in the stipulated order at ECF 18).**

6 Dated this 7th day of March, 2016

7
8 
9 _____
10 Jennifer A. Dorsey
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28