

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

VICKI L. LEMMON,

Plaintiff,

vs.

Civil Action 2:13-cv-410
Judge Watson
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

On March 18, 2014, the Court reversed the decision of the Commissioner and remanded the action, pursuant to Sentence 4 of 42 U.S.C. § 405(g), for further administrative proceedings. *Order*, ECF 25; *Judgment*, ECF 26. On April 16, 2014, plaintiff filed a motion for an attorney fee and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). *Plaintiff Tracey L. Lemmon's Motion for Award of Attorney Fees and Costs Pursuant to the Equal Access to Justice Act*, ECF 27. The Commissioner has filed no opposition to that motion.

Plaintiff asks for an award of attorney fees and costs in the total amount of \$6,591.75, that amount reflecting compensation at the statutory rate plus cost of living increases (totaling \$187.00 per hour) for 35.25 hours of itemized work. The Court concludes, particularly in light of the Commissioner's failure to oppose the motion, that the request for attorney fees and costs is reasonable and appropriate.

It is therefore **RECOMMENDED** that plaintiff's motion for attorney

fees and costs pursuant to the EAJA, ECF 27, be **GRANTED** and that plaintiff be awarded an attorney fee and costs in the total amount of \$6,591.75.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

May 30, 2014

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge