

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GERALD L. PARRIS,)
Plaintiff,)
)
vs.)
)
NANCY A. BERRYHILL,)
Acting Commissioner of Social)
Security Administration,)
Defendant.)

Case No. 14-CV-561-JHP-SPS

ORDER

Plaintiff, Gerald L. Parris, has moved the court for an award of attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C., §2412(d). The Commissioner objected to the amount claimed by Plaintiff. Thereafter, the plaintiff submitted a supplemental application for fees under the EAJA and amended the total award sought to \$5,753.00, to include his preparation of a reply brief in response to the Commissioner's objection. The Commissioner did not respond to the supplemental motion. Consequently, this case was referred to the United States Magistrate Judge for a Report and Recommendation. The United States Magistrate Judge entered a Report and Recommendation (Dkt.# 32) recommending that Plaintiff's original application for attorney fees (Dkt.# 23) be deemed moot, and Plaintiff's Supplemental Motion for Attorney Fees (Dkt.# 28) be granted, and that \$5,753.00 be awarded to the Plaintiff's attorneys. Defendant has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

This Court finds the Report and Recommendation of the Magistrate Judge (Dkt.# 32), is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, this Court finds and orders that the Report and Recommendation entered by the

United States Magistrate Judge be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS SO ORDERED this 9th day of May, 2017.



James H. Payne
United States District Judge
Eastern District of Oklahoma