

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HAROLD VISSER,

3:13-CV-00508-ST

Plaintiff,

ORDER

v.

CAROLYN W. COLVIN,  
Commissioner, Social Security  
Administration,

Defendant.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#25) on December 23, 2014, in which she recommends this Court grant Plaintiff's Unopposed Motion (#24) for Attorney Fees under 28 U.S.C. § 406(b); award Plaintiff's counsel attorneys' fees in the amount of \$5,639.20; and direct Plaintiff's counsel to refund to Plaintiff the attorneys' fees of \$2,054.20 previously received by Plaintiff's counsel pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). The

matter is now before this Court pursuant to 28 U.S.C.

§ 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#25). Accordingly, the Court **GRANTS** Plaintiff's Unopposed Motion (#24) for Attorney Fees under 28 U.S.C. § 406(b); **AWARDS** Plaintiff's counsel attorneys' fees in the amount of \$5,639.20; and **DIRECTS** Plaintiff's counsel to refund to Plaintiff the attorneys' fees of \$2,054.20 previously received by Plaintiff's counsel pursuant to the EAJA.

IT IS SO ORDERED.

DATED this 15<sup>th</sup> day of January, 2015.

/s/ Anna J. Brown

---

ANNA J. BROWN  
United States District Judge