

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

CHARLES LESTER BIBBINS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

No. 1:20-CV-561  
JUDGE MICHAEL J. TRUNCALE

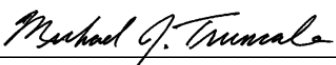
**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING APPLICATION FOR ATTORNEY'S FEES**

Before the court is a report and recommendation of the United States magistrate judge regarding the Plaintiff's Motion for 406(b) Attorney's Fees. The parties have not filed objections to the report. Having conducted an independent review, the court concludes that the report of the magistrate judge should be ADOPTED and the motion should be GRANTED. It is therefore

ORDERED that the Plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) [Dkt. 29] is GRANTED. It is further

ORDERED that Counsel Michael Kelly is awarded attorney fees under 42 U.S.C. § 406(b) in the amount of \$17,000.00. Upon receipt of that payment, Mr. Kelly is ORDERED to refund EAJA fees in the amount of \$4,945.90 directly to the claimant. *See* 28 U.S.C. § 2412 note, Act of Aug. 5, 1985, Pub. L. No. 99-80, § 3, 99 Stat. 183, 186; *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) (requiring attorneys to refund to the claimant the amount of the smaller fee).

SIGNED this 25th day of October, 2024.

  
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Michael J. Truncala  
United States District Judge