

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

GINA GRAVES FURRA,	§	
Plaintiff,	§	
	§	No. 9:16-CV-00085-RC-KFG
v.	§	
	§	
COMMISSIONER OF THE SOCIAL	§	
SECURITY ADMINISTRATION,	§	
Defendant.	§	

ORDER

The Court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the report of the United States Magistrate Judge on the claimant’s motion for attorney fees pursuant to such order, along with the record and pleadings. The Commissioner filed objections to the report. The Commissioner solely objects to the fee amount recommended by the magistrate judge.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* 28 U.S.C. § 636; FED. R. CIV. P. 72(b). After careful consideration, the court concludes that the Commissioner’s objections have merit. The court agrees with the Commissioner that the magistrate judge erroneously recommended an award in the amount of \$7,290.42 as requested in Plaintiff’s original application for attorney’s fees under the Equal Access to Justice Act. The Court finds that the amount should instead be \$6,080.00 as requested in the amended application.

Accordingly, the Commissioner's objections are **SUSTAINED**. The report and recommendation is hereby **ACCEPTED IN PART AND DENIED IN PART** as to the amount of the attorney's fees awarded. The claimant's first motion for attorney fees (Doc. No. 22) is **DENIED as MOOT** and the amended motion for attorney fees (Doc. No. 23) is **GRANTED**. The Commissioner of Social Security is directed to pay plaintiff Gina Graves Furra an attorney fee under the Equal Access to Justice Act in the amount of \$6,080.00. It is finally **ORDERED** that the Commissioner mail this award to the plaintiff in care of her attorney, Karl E. Osterhout. This award is subject to any beneficial, contractual and/or assignment-based interests held by counsel.

So ORDERED and SIGNED, Oct 08, 2020.



Ron Clark
Senior Judge