

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

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

LAURIE ANN GARLINGTON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 9:17-CV-00030-RC

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION REGARDING ATTORNEY FEES**

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

ORDERED that the Plaintiff's Motion for Approval of Attorney's Fees Pursuant to 42 U.S.C. § 406(b) (Doc. No. 26) is **GRANTED**. It is further

ORDERED that Counsel Ronald D. Honig is awarded attorney fees under 42 U.S.C. § 406(b) in the amount of \$14,731.75. Upon receipt of that payment, Mr. Honig is **ORDERED** to refund EAJA fees in the amount of \$5,639.34 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*, 535 U.S. at 796 (requiring attorneys to refund to the claimant the amount of the smaller fee).

So **ORDERED** and **SIGNED** April 22, 2020.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, Senior District Judge