United States District Court
Southern District of Texas

ENTERED
July 08, 2019
David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

MARK PAUL KIRKPATRICK	§	
	§	
Plaintiff.	§	
	§	
	§	
VS.	§	CIVIL ACTION NO. 3:16–CV–00337
	§	
ANDREW SAUL,[1]	§	
COMMISSIONER OF THE SOCIAL	§	
SECURITY ADMINISTRATION	§	
	§	
Defendant.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION

On February 22, 2018, this case was referred to United States Magistrate Judge

Andrew M. Edison. *See* Dkt. 16. On June 20, 2019, Judge Edison filed a Memorandum

and Recommendation (Dkt. 24) recommending that Plaintiff Mark Paul Kirkpatrick's

Petition to Obtain Approval of a Fee for Representing a Social Security Claimant (Dkt.

23) be **GRANTED**.

No objections have been filed to the Memorandum and Recommendation.

Accordingly, the Court reviews the Memorandum and Recommendation for plain error

on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

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[1] On June 17, 2019, Andrew Saul became the Commissioner of Social Security
("Commissioner") and is automatically substituted as a party pursuant to Federal Rule of Civil
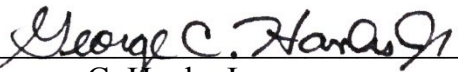Procedure 25(d).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby

ORDERED AND ADJUDGED that:

(1) Judge Edison's Memorandum and Recommendation (Dkt. 24) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;

(2) Plaintiff Mark Paul Kirkpatrick's Petition to Obtain Approval of a Fee for Representing a Social Security Claimant (Dkt. 23) is **GRANTED**; and

(3) Kirkpatrick's counsel is awarded $15,609.37 in attorney's fees out of Kirkpatrick's past-due benefits pursuant to Section 406(b). Kirkpatrick's counsel is ordered to refund the Equal Access to Justice Act award in the amount of $3,345.54 directly to Kirkpatrick.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 8th day of July, 2019.

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George C. Hanks Jr.
United States District Judge