

United States District Court
Southern District of Texas

ENTERED

August 09, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KENNETH F. WITTNEBEN

Plaintiff.

VS.

ANDREW SAUL,¹
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION

Defendant.

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CIVIL ACTION NO. 3:18-CV-00174

**ORDER ADOPTING MAGISTRATE JUDGE’S
MEMORANDUM AND RECOMMENDATION**

On September 25, 2018, this case was referred to United States Magistrate Judge Andrew M. Edison. Dkt. 11. On June 25, 2019, Judge Edison filed a Memorandum and Recommendation (Dkt. 24) recommending that Plaintiff’s Counsel’s Unopposed Petition for Attorney Fees Under the Equal Access to Justice Act (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).

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

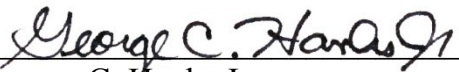
ORDERED AND ADJUDGED that:

¹ 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 Procedures 25(d).

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 24) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff's Counsel's Unopposed Petition for Attorney Fees Under the Equal Access to Justice Act (Dkt. 23) is **GRANTED**; and
- (3) Plaintiff Kenneth Wittneben is **AWARDED** \$8,137.60 in attorney's fees and \$400.00 reimbursable costs from the Judgment Fund.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 9th day of August, 2019.



George C. Hanks Jr.
United States District Judge