

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States District Court  
Southern District of Texas

**ENTERED**

May 21, 2019

David J. Bradley, Clerk

BRIAN D. KEARNES,

*Plaintiff,*

v.

NANCY A. BERRYHILL, ACTING COMMISSIONER  
OF THE SOCIAL SECURITY ADMINISTRATION,

*Defendant.*

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CIVIL ACTION H-17-2251

**ORDER**

Pending before the court is a memorandum and recommendation (“M&R”) from the Magistrate Judge, who recommends granting plaintiff Brian D. Kearnes’s motion for attorneys’ fees. Dkt. 23. The Magistrate Judge recommends, specifically, that fees in the amount of \$8,263.67 be awarded to Kearnes under the Equal Access to Justice Act. *See id.* Neither party filed objections to the M&R. Having reviewed the M&R, related documents, and the applicable law, the court is of the opinion that there is no clear error and that the M&R should be adopted. *See Fed. R. Civ. P. 72, Advisory Committee Notes* (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Accordingly, the M&R (Dkt. 23) is ADOPTED IN FULL. Kearnes’s motion for attorneys’ fees (Dkt. 20) is GRANTED. Kearnes is AWARDED attorneys’ fees as set forth in the M&R.

Signed at Houston, Texas on May 21, 2019.



Gray H. Miller  
Senior United States District Judge