

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

YVONNE LAVENTURE,

Plaintiff,

v.

Case No. 6:15-cv-1883-Orl-37GJK

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Before the Court is Plaintiff's counsel Richard Culbertson's request for authorization to charge a reasonable fee and memorandum on reasonable fees pursuant to 42 U.S.C. § 406(b). (Doc. 27 ("**Motion**").) This Motion follows the Court's entry of judgment in favor of Plaintiff (Doc. 20) and an award of \$5,479.60 in attorney's fees to Plaintiff's counsel under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("**EAJA**") (Doc. 24). Counsel now seeks an award of attorney's fees in the amount of \$8,115.90 pursuant to 42 U.S.C. § 406(b) (Doc. 27), as he and Plaintiff previously entered into a contingent fee agreement that would entitle him to twenty-five percent of any past due benefits awarded to Plaintiff minus EAJA attorney's fees (Doc. 27-1).

On referral, U.S. Magistrate Judge Gregory J. Kelly recommends that the Court grant the Motion, finding the amount requested reasonable. (Doc. 29 ("**R&R**").) Specifically, Magistrate Judge Kelly notes that Plaintiff was awarded \$54,382.00 in past due Social Security Disability benefits so twenty-five percent would equal \$13,595.50. (*Id.*

at 3.) That number reduced by the EAJA award, \$5,479.60, equals the \$8,115.90 amount requested by Culbertson. (*Id.* at 3–4.)

On February 20, 2019, the parties filed a joint notice of no objection to the R&R. (Doc. 30.) Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Gregory J. Kelly's Report and Recommendation (Doc. 29) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Richard A. Culbertson's Request for Authorization to Charge a Reasonable Fee and Memorandum on Reasonable Fees Pursuant to 42 U.S.C. § 406(b) (Doc. 27) is **GRANTED**.
3. In accordance with 42 U.S.C. § 406(b), Richard A. Culbertson is awarded **\$8,115.90** in attorney fees.
4. The Clerk is **DIRECTED** to **CLOSE** the case.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on February 21, 2019.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record