UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LYNNE BELL,

Plaintiff,

v. **Case No: 8:16-cv-2916-T-35AEP**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion for Award of Attorney Fees Pursuant to Equal Access to Justice Act 28 U.S.C. § 2412 (Dkt. 27), and Response in opposition thereto filed by Defendant, Commissioner of Social Security. (Dkt. 28). On August 7, 2018, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, recommending that the Motion be granted. Defendant has not filed an objection to the Report and Recommendation and the deadline for objecting has passed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the Magistrate Judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires that the district judge "give fresh consideration to those issues to which specific

objection has been made by a party." Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo,* Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo,* even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Furthermore, upon *de novo* review of the file, the Court finds that the amount of attorney's fees sought in this action is reasonable, thus, the Motion is due to be granted. Based on its own experience and knowledge, the Court can determine whether a desired rate of pay is in line with the industry standards for a lawyer of a certain seniority and level of experience. Yellow Pages Photos, Inc. v. Ziplocal, LP, 846 F.3d 1159, 1163 (11th Cir. 2017) (citations omitted) ("As the award of attorney's fees and costs is essentially factual in nature, the district court's superior understanding of the litigation clearly places it in the best position to calculate such an award when appropriate. Unquestionably, the district court possesses wide discretion in calculating the amount and reasonableness of such an award."). Here, the court finds that Plaintiff's request for attorney's fees at an hourly rate of $191.70 for 14.6 hours is reasonable in this action.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Dkt. 29) is **CONFIRMED** and **ADOPTED** as part of this Order; and

2. Motion for Attorney Fees (Dkt. 27) is **GRANTED**.

DONE and **ORDERED** in Tampa, Florida, this 5th day of October, 2018.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person

MARY S. SCRIVEN