

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

EDWARD GRIFFIN,

Plaintiff,

v.

Case No: 2:17-cv-280-FtM-38CM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 25](#)). Judge Mirando recommends granting Plaintiff Edward Griffin's Uncontested Petition for EAJA Fees. No party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The 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." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.


Accordingly, it is now

**ORDERED:**

- (1) United States Magistrate Judge Carol Mirando’s Report and Recommendation ([Doc. 25](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) Plaintiff Edward Griffin’s Uncontested Petition for EAJA Fees ([Doc. 24](#)) is **GRANTED**.

- a. The Court **AWARD** attorney’s fees for \$7,197.74 to Plaintiff pursuant to 28 U.S.C. § 2412(d).
- b. If the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government will accept Plaintiff’s assignment of EAJA fees and pay fees directly to Plaintiff’s counsel.
- (3) The Clerk is **DIRECTED** to enter judgment for Plaintiff as to attorney’s fees in the amount of **\$7,197.74** under 28 U.S.C. § 2412(d).

**DONE** and **ORDERED** in Fort Myers, Florida this 10th day of December 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record