

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RENEE KEENE,

Plaintiff,

v.

Case No: 2:17-cv-586-FtM-38CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is Magistrate Judge Douglas N. Frazier's Report and Recommendation. ([Doc. 28](#)). Judge Frazier recommends granting Plaintiff's Uncontested Petition for Equal Access to Justice Act ("EAJA") Fees Pursuant to [28 U.S.C. § 2412\(d\)](#) ([Doc. 27](#)). ([Doc. 28 at 2-3](#)). Neither party filed a timely objection to the Report and Recommendation, so the matter is ripe for review.

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. See [28 U.S.C. § 636\(b\)\(1\)](#); see also *Williams v. Wainwright*, [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

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. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).


After careful consideration and an independent review of the file, the Court accepts and adopts the Report and Recommendation (Doc. 28) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. 28) is **ACCEPTED and ADOPTED** and incorporated into this Order.
2. Plaintiff's Uncontested Petition for EAJA Fees Pursuant to 28 U.S.C. § 2312(d) (Doc. 27) is **GRANTED**.
 - a. The Court **AWARDS** attorney's fees for Plaintiff in the amount of \$ 8,369.63 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 **\$ 8,369.63** under 28 U.S.C. § 2412(d).

DONE and **ORDERED** in Fort Myers, Florida this 15th day of April, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record