

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SAMSON BEKELE BESHIA,

Plaintiff,

v.

Case No. 6:17-cv-1117-Orl-37PDB

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In the instant appeal, Plaintiff sought judicial review of the Commissioner's denial of her claim for social security disability benefits. (Doc. 1.) On September 21, 2017 the Court ordered this case remanded further administrative proceedings. (Doc. 21.) The following day, the Court entered judgment in Plaintiff's favor. (Doc. 22.)

As the prevailing party, Plaintiff now: (1) seeks an award for attorney fees in the amount of \$3,758.14 ("**Award**") under the Equal Access to Justice Act ("**EAJA**"), plus the filing fee of \$400.00; and (2) represents that, if the U.S. Department of Treasury determines that he does not owe a debt to the government, the parties have agreed that the Commissioner will honor Plaintiff's assignment of EAJA fees and pay the Award directly to his counsel. (Doc. 23 ("**Fees Motion**").)

On referral, U.S. Magistrate Judge Patricia D. Barksdale issued a Report recommending that the Court grant the Fees Motion. (Doc. 24 ("**R&R**").) In doing so, Magistrate Judge Barksdale concludes that: (1) Plaintiff is entitled to the full amount of

the Award; (2) the hourly rate underlying the Award is reasonable and (3) the request for the \$400 filing fee is reasonable. (*Id.* at 4-7.) In addition, Magistrate Judge Barksdale recommends that the decision of whether to honor the Assignment be left to the Commissioner's discretion. (*Id.* at 6-7.)

As the Fees Motion is unopposed and neither party has objected to the R&R, the Court has reviewed it only for clear error. *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 Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such error, the Court finds that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Patricia D. Barksdale's Report and Recommendation (Doc. 24) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Unopposed Motion for Attorney's Fees (Doc. 23) is **GRANTED**.
3. The Court awards Plaintiff Samson Bekele Beshia attorney fees under the EAJA in the amount of **\$3,758.18** and **\$400** in costs. The Clerk is **DIRECTED** to enter judgment accordingly.
4. The Commissioner may exercise discretion to honor Plaintiff's assignment of EAJA fees to counsel if the U.S Department of Treasury determines that Plaintiff does not owe a debt to the U.S. Government.
5. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 2, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record