

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

MARIA MARTHA MERINO,

Plaintiff,

v.

Case No. 6:17-cv-1283-Orl-37KRS

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

---

**ORDER**

On July 11, 2018, the Court adjudged Plaintiff the prevailing party in this social security appeal. (Doc. 21.) Thereafter, final judgment was entered in Plaintiff's favor. (Doc. 22.) Plaintiff now seeks an award of attorney's fees in the amount of \$5,922.17 under the Equal Access to Justice Act ("**EAJA**"), 28 U.S.C. § 2412. (Doc. 23 ("**Motion**").) The Motion is unopposed. (*Id.* at 2.)

On referral, U.S. Magistrate Judge Karla R. Spaulding recommends that the Court grant in part and deny in part the Motion. (Doc. 24 ("**R&R**").) Magistrate Judge Spaulding recommends granting the requested fee amount based on her finding that counsel's hourly rate and time expended are reasonable. (*Id.* at 2-3.) However, she recommends denying Plaintiff's assignment of any fees awarded to Plaintiff's EAJA counsel because of the Commissioner's inconsistent position regarding the assignment of fees prior to a determination of whether Plaintiff owes a federal debt. (*Id.* at 3.) Instead, Magistrate Judge Spaulding recommends not requiring the fees be paid directly to Plaintiff's EAJA

counsel but permitting the Commissioner to do so in her discretion. (*Id.*)

The parties did not object to the R&R, and the time for doing so has now passed. 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 Karla R. Spaulding's Report and Recommendation (Doc. 24) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (Doc. 23) is **GRANTED IN PART AND DENIED IN PART**.
  - a. The Motion is **GRANTED** as to Plaintiff's request for attorney's fees. Plaintiff is awarded **\$5,922.17** in attorney's fees under the EAJA, 28 U.S.C. § 2412(d).
  - b. The Motion is **DENIED** in all other respects.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on October 9, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record