

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SHARI LAVERN REID,

Plaintiff,

v.

Case No.: 2:19-cv-747-FtM-38NPM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

---

**ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R") ([Doc. 25](#)) on Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. 2312(d) ([Doc. 23](#)). Defendant opposed Plaintiff's Motion ([Doc. 24](#)). Judge Mizell recommends granting the Motion in part. Neither party timely objected, 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 R&R. *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 requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), [993 F.2d](#)

---

<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

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 R&R (Doc. 25) in full.

Accordingly, it is now

**ORDERED:**

- (1) The Report and Recommendation (Doc. 25) is **ACCEPTED and ADOPTED** and incorporated into this Order.
- (2) Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. 2312(d) (Doc. 23) is **GRANTED and DENIED in part**. Plaintiff's request for oral argument is **DENIED**.
  - a. Plaintiff is **AWARDED** \$6,744.50 in attorney's fees.
  - b. If the United States Department of Treasury determines that Plaintiff does not owe a federal debt, the Government may pay these fees directly to Plaintiff's counsel.
- (3) The Clerk is **DIRECTED** to amend the judgment to include a \$6,744.50 attorney's fees award in favor of Plaintiff.

**DONE** and **ORDERED** in Fort Myers, Florida on October 21, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record