

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ANDREA METZ,

Plaintiff,

v.

Case No.: 2:20-cv-966-KCD

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Having obtained an award of benefits, Andrea Metz's attorney, Michael A. Steinberg, seeks attorney's fees under 42 U.S.C. § 406(b). (Doc. 32.) Defendant has not opposed the request.

Section 406(b) provides that an attorney who obtains a benefits award on remand may petition for a reasonable fee—not to exceed twenty-five percent of the claimant's past-due benefits—for work performed before the court.

Here, Steinberg requests \$13,768.98, which is 25 percent of past-due benefits. Steinberg further asserts that the previous EAJA award of \$3,598.12 will be returned to Plaintiff. (Doc. 32 at 3); *see Paltan v. Comm'r of Soc. Sec.*, 519 F. App'x 673, 674 (11th Cir. 2013) (noting that the attorney has the option of either refunding a prior EAJA award to the plaintiff directly or reducing the § 406(b) award by the same amount). For the reasons stated in Metz's

unopposed motion, the requested fee is both reasonable and appropriate under § 406(b).

Accordingly, the unopposed fee motion (Doc. 32) is **GRANTED**. The clerk will enter judgment for Metz for \$13,768.98 in attorney's fees under 42 U.S.C. § 406(b).

**ORDERED** in Fort Myers, Florida on April 22, 2024.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record