

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ANDREW C. BOWER,

Plaintiff,

vs.

Case No. 3:21-cv-657-MMH-MCR

COMMISSIONER OF
THE SOCIAL SECURITY
ADMINISTRATION,

Defendant.

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ORDER

THIS CAUSE is before the Court on Magistrate Judge Monte C. Richardson's Report and Recommendation (Dkt. No. 31; Report), entered on April 3, 2024. In the Report, Judge Richardson recommends that the Uncontested Motion & Brief for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (Dkt. No. 30; Motion) be granted to the extent that the Commissioner be directed to pay to Plaintiff's counsel the net amount of \$23,872.43 for § 406(b) fees out of Plaintiff's past-due benefits. See Report at 6. No objections to the Report have been filed, and the time for doing so has passed.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1). However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 1, n.1.

Upon independent review of the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Report and Recommendation (Dkt. No. 31) is **ADOPTED** as the opinion of the Court.

2. The Uncontested Motion & Brief for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (Dkt. No. 30) is **GRANTED** to the extent that the Commissioner is directed to pay to Plaintiff's counsel the net amount of \$23,872.43 for § 406(b) fees out of Plaintiff's past-due benefits.

3. The Clerk of the Court is directed to enter judgment accordingly.

DONE AND ORDERED in Jacksonville, Florida, this 22nd day of April, 2024.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record