

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

CARMEN GUERRA,

Plaintiff,

v.

Case No: 6:23-cv-683-PGB-LHP

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant

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

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S UNOPPOSED MOTION FOR  
ATTORNEY'S FEES (Doc. No. 25)**

**FILED: December 12, 2023**

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**THEREON it is ORDERED that the motion is GRANTED.**

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<sup>1</sup> The parties have consented to the exercise of jurisdiction by a United States Magistrate Judge for disposition of this motion, which consent the presiding District Judge has approved. Doc. Nos. 26-27.

Plaintiff, through counsel of record, filed a complaint against the Commissioner of Social Security regarding the denial of an application for social security benefits. Doc. No. 1. On September 15, 2023, pursuant to an unopposed motion to remand, Doc. No. 21, the Court reversed and remanded the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). Doc. No. 23; *see also* Doc. No. 22. Judgment was entered in favor of Plaintiff and against the Commissioner on September 18, 2023. Doc. No. 24.

By the present motion, Plaintiff seeks an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Doc. No. 25. Plaintiff requests a total of \$2,951.91 in attorney's fees under the EAJA, for 12.1 hours of work performed by Plaintiff's counsel in 2023. *Id.* at 2, 7, 11-12. The Commissioner does not oppose the motion. *Id.* at 3.

Upon consideration, and absent any objection from the Commissioner, the Court finds the request for fees pursuant to the EAJA well taken. Accordingly, Plaintiff's Unopposed Motion for Attorney's Fees (Doc. No. 25) is **GRANTED**, to the extent that Plaintiff is awarded a total \$2,951.91 in attorney's fees under the EAJA.<sup>2</sup>

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<sup>2</sup> Plaintiff's motion references an assignment of EAJA fees from Plaintiff to counsel. Doc. No. 25, at 2. *See also* Doc. No. 25-1. However, Plaintiff states only that "after the Court issues an order awarding EAJA fees to Plaintiff, the Commissioner will determine

**DONE and ORDERED** in Orlando, Florida on December 20, 2023.

A handwritten signature in blue ink that reads "Leslie Hoffman Price". The signature is written in a cursive style with a horizontal line underneath it.

LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties

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whether Plaintiff owes a debt to the government. If the U.S. Department of the Treasury determines that Plaintiff does not owe a federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay fees directly to Plaintiff's counsel." Doc. No. 25, at 2. The government may exercise its discretion to honor Plaintiff's assignment of attorney's fees awarded under the EAJA if the government determines that Plaintiff does not owe a federal debt, but the Court will not order the government to do so.