

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

WALID DAABOUL o/b/o,
E. W. D.,

Plaintiff,

v.

Case No. 8:23-cv-760-VMC-AEP

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

_____/

REPORT AND RECOMMENDATION

This cause comes before the Court on Plaintiff's Motion for Attorney's Fees (Doc. 26) and Defendant's Response (Doc. 27). By the motion, Plaintiff seeks attorney's fees in the amount of \$4,470, plus reimbursement of filing costs in the amount of \$400.00, pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). On September 27, 2023, an Order granting the Commissioner's Motion to Remand and reversing and remanding the case to the Commissioner for further administrative proceedings was entered. (Doc. 24). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 25).

As the prevailing party, Plaintiff now requests an award of attorney's fees. *See* 28 U.S.C. § 2412(d)(1)(A); *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party), *superseded by rule on other grounds*, Fed. R. Civ. P.

58(c)(2)(B). After issuance of an order awarding EAJA fees, the United States Department of the Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel.

In its Response, Defendant has indicated Plaintiff's requested relief is not opposed. (Doc. 27). Additionally, Plaintiff's attorney filed an affidavit in support of the motion (Doc. 26-2). Therefore, for the reasons set out in Plaintiff's motion and Defendant's Response, it is hereby

ORDERED:

1. Plaintiff's Motion for Attorney's Fees (Doc. 26) is GRANTED.
2. Plaintiff is awarded fees in the amount of \$4,470. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees (Doc. 26, ¶ 1).
3. Plaintiff will be awarded filing costs in the amount of \$400.00.

DONE AND ORDERED in Tampa, Florida, on this 28th day of November, 2023.



ANTHONY E. PORCELLI
United States Magistrate Judge

NOTICE TO PARTIES

A party has fourteen days from the date they are served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C). A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1). **Should the parties wish to expedite the resolution of this matter, they may promptly file a joint notice of no objection.**

cc: Hon. Virginia M. Hernandez Covington
Counsel of Record