

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**JENNIFER MARY PEMBERTON,**

**Plaintiff,**

v.

**Case No. 6:23-cv-2048-CEM-EJK**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on Plaintiff’s Unopposed Consent Motion for Attorney’s Fees (“Motion,” Doc. 20). The United States Magistrate Judge issued a Report and Recommendation (“R&R,” Doc. 21), recommending that the Motion be granted in part.


Plaintiff seeks attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$6,733.02 for work completed by counsel to obtain judicial review of the final decision of the Commissioner of Social Security (“the Commissioner”), which resulted in this Court reversing the Commissioner’s decision pursuant to sentence four of 42 U.S.C. § 405(g), (March 27, 2024 Order, Doc. 18, at 1), and the Clerk entering judgment in favor of Plaintiff, (Judgment In a Civil Case, Doc. 19, at 1). The Magistrate Judge found Plaintiff

eligible for an award of fees. (Doc. 21 at 4). The Magistrate Judge also calculated the cost of living adjustment under the EAJA using the United States Department of Labor's Consumer Price Index and found the adjusted hourly rates should be \$241.23 for 2023 and \$247.14 for 2024. (*Id.* at 6). Based on those figures and data not available to Plaintiff when the Motion was filed, (*see id.* at 6 n.4), the Magistrate Judge recommended that Plaintiff be awarded \$6,817.52, (*id.*).

After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, and noting that no objections were timely filed, the Magistrate Judge's recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 21) is **ADOPTED** and made a part of this Order.
2. Plaintiff's Unopposed Consent Motion for Attorney's Fees (Doc. 20) is **GRANTED in part**.
3. Plaintiff is **AWARDED** \$6,817.52 in attorney's fees.

**DONE** and **ORDERED** in Orlando, Florida on July 16, 2024.

  
CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record