

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

LIZZETTE ALICEA RIVERA,

Plaintiff,

v.

Case No. 8 :23-cv-02320-WFJ-UAM

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

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**REPORT AND RECOMMENDATION**

This cause comes before the Court on Plaintiff's Motion for Attorney Fees (Doc. 26). By the Motion, Plaintiff seeks attorney's fees in the amount of \$3,154.93 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On April 25, 2024, this Court entered an Order granting the Commissioner's Motion to Remand and reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 23). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 24).

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(1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party), *superseded by rule on other grounds*, Fed.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

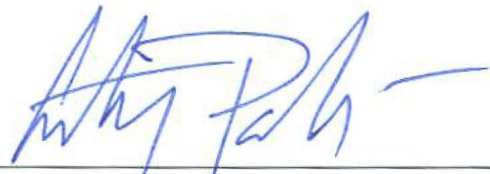
government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel.

The Commissioner does not oppose the requested relief. (Doc. 27). Therefore, for the reasons set out in Plaintiff's motion, it is hereby

RECOMMENDED:

1. Plaintiff's Motion for Attorney Fees (Doc. 26) be GRANTED.
2. Plaintiff be awarded fees in the amount of \$3,154.93. 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, at 6).

IT IS SO REPORTED in Tampa, Florida, on this 26th day of July 2024.



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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. William F. Jung  
Counsel of Record