

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

CONNIE LATIMER,

Plaintiff,

v.

Case No. 8:24-cv-00379-WFJ-AEP

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

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REPORT AND RECOMMENDATION

This cause comes before the Court on Plaintiff's Unopposed Amended Motion for Attorney Fees Under the Equal Access to Justice Act (Doc. 34). By the Motion, Plaintiff seeks attorney's fees in the amount of \$8,439.39 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). On August 23, 2024, this Court entered an Order reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 30). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 31).

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(1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party), *superseded by rule on other grounds*, Fed.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. 34, at 21). Additionally, Plaintiff and Plaintiff's attorney filed declarations in support of the motion (Docs. 34, at 4–11; 34-1). Therefore, for the reasons set out in Plaintiff's motion and supported by the declarations, it is hereby

RECOMMENDED:

1. Plaintiff's Unopposed Amended Motion for Attorney Fees Under the Equal Access to Justice Act (Doc. 34) be GRANTED.

2. Plaintiff be awarded fees in the amount of \$8,439.39. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees and costs to Plaintiff's counsel in accordance with Plaintiff's assignment (Doc. 34-1).

IT IS SO REPORTED in Tampa, Florida, on this 11th day of December 2024.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record

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