

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60911-CIV-COHN

FERN VELEZ,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Magistrate Judge Seltzer

ORDER APPROVING REPORT AND RECOMMENDATION and
ORDER GRANTING PETITION FOR ATTORNEY'S FEES

_____ THIS CAUSE is before the Court upon the Report and Recommendation [DE 27] of Magistrate Judge Barry Seltzer, entered December 8, 2009, Plaintiff's Motion for Attorney's Fees [DE 21] and Defendant's Response thereto [DE 26]. The Court notes that no objections to the Report and Recommendation have been filed, and that the time for filing such objections has passed.

As no timely objections were filed, the Magistrate Judge's factual findings in the Report and Recommendation are hereby adopted and deemed incorporated into this opinion. Loconte v. Dugger, 847 F.2d 745 (11th Cir. 1988), *cert. denied* 488 U.S. 958 (1988); RTC v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). As to the legal conclusions of the Magistrate Judge, the Court has reviewed the arguments of the parties, and is otherwise fully advised in the premises.

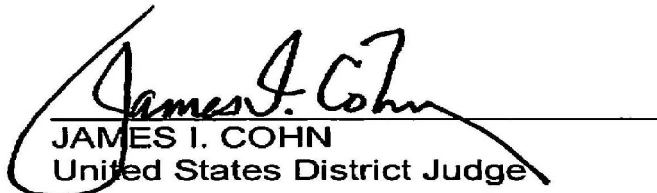
This Court agrees with the reasoning and analysis of the Magistrate Judge that the Plaintiff's Motion for Fees be granted as to the amount of fees. In addition, the award may be made directly to counsel to Plaintiff, rather to Plaintiff herself, because of a valid assignment. Without the assignment, the law provides that the fee award be

made to Plaintiff. Reeves v. Astrue, 526 F.3d 732, 735-38 (11th Cir. 2008). The Court need not decide the issue raised by the Government's response as to whether assignment of the fee award precludes the United States Treasury from applying the EAJA payment to offset any governmental debt owed by Plaintiff, as the issue is not ripe in the specific context of this award.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Magistrate Judge's Report and Recommendation [DE 27] is hereby **ADOPTED**;
2. Plaintiff's Motion for Attorney's Fees [DE 21] is hereby **GRANTED**;
3. The Court shall separately enter judgment for Plaintiff in the amount of \$3,358.58 in attorney's fees to be paid to Attorney Nora Staum.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 13th day of January, 2009.


JAMES I. COHN
United States District Judge

copies to:

Nora Staum, Esq.

Carole Fernandez, AUSA