

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

ANGLETTE MALLORY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:13-CV-74-CAR-MSH
	:	Social Security Appeal
CAROLYN W. COLVIN,	:	
Commissioner of Social Security,	:	
	:	
Defendant.	:	

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**REPORT AND RECOMMENDATION**

Presently pending before the Court is Plaintiff's Motion for Attorney's Fees. (ECF No. 24.) Counsel states that Plaintiff was awarded \$80,160 in past due benefits by the Social Security Administration on remand from this Court. Br. in Supp. of Mot. 1, ECF No. 24-1. Counsel further states that he previously entered into a fee agreement with Plaintiff which provides for a reasonable fee for services in court, not to exceed 25% of the past due benefits awarded. *Id.* at 1-2. Plaintiff does not object to this fee request. *Id.* at 3. Thus, counsel requests that the Court approve as reasonable the agreed-upon fee which amounts to \$14,026.50 (\$20,026.50-\$6,000 administrative fee). Br. in Supp. of Mot. 2. Counsel also avers that if the fee is approved, he will refund to Plaintiff the \$7,060.47 received in Equal Access to Justice Act (EAJA) fees previously awarded by the Court. Br. in Supp. of Mot. 2. The Commissioner filed a Response wherein she does not object to the motion. Comm'r's Resp. 1, ECF No. 25.

Given that there is no objection from the Commissioner, the Court recommends granting the motion and approval of the fee request as reasonable. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, within fourteen (14) days after being served with a copy thereof. The district judge shall make a de novo determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

The parties are hereby notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

SO RECOMMENDED this 3rd day of August, 2016.

/s/ Stephen Hyles  
UNITED STATES MAGISTRATE JUDGE