

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JEFFREY M. KINGSBURY,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

**Civil Action No. 11-1901
(JDB/JMF)**

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is [25] the report and recommendation of Magistrate Judge Facciola relating to attorney's fees in this matter, which was docketed on October 10, 2012. The time period for lodging objections to the report and recommendation set forth in Rule 72(b) of the Federal Rules of Civil Procedure has elapsed, with no objections being filed. See Fed. R. Civ. P. 72(b)(2). Having carefully reviewed the findings and conclusions contained in Magistrate Judge Facciola's report and having considered the recommended disposition of each of the claims therein, the Court will adopt in full the report and recommendation, as the findings and conclusions of this Court.

Upon consideration of the report and recommendation, the absence of objections, and the entire record herein, it is hereby

ORDERED that the report and recommendation is adopted by the Court; it is further

ORDERED that [20] plaintiff's motion for attorney's fees under § 2412(d)(1) of the Equal Access to Justice Act is **GRANTED** in accordance with the Consent Order entered on this

date; it is further

ORDERED that consideration of [21] plaintiff's motion for attorney's fees under 42 U.S.C. § 406(b) is **DEFERRED** pending an award, if any, of Social Security benefits to plaintiff on remand; it is further

ORDERED that within thirty (30) days of receiving a Notice of Award from the Social Security Administration, plaintiff shall forward a copy of the Notice of Award to this Court and counsel for defendant; and it is further

ORDERED that within sixty (60) days of receiving a Notice of Award, plaintiff shall file a renewed motion for attorney's fees, not to exceed 25% of plaintiff's past due benefits.

SO ORDERED.

/s/ John D. Bates
JOHN D. BATES
United States District Judge

Dated: December 26, 2012