

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Enrique C. Cabrera v. Commissioner of the Social Security Administration

Cabrera · No. 23-CV-6065 (EK)(TAM) · Decided February 4, 2026

SUMMARY

The United States District Court for the Eastern District of New York adopted a magistrate judge’s Report and Recommendation awarding plaintiff’s counsel \$19,305.00 in attorney’s fees under 42 U.S.C. § 406(b). The court also directed counsel to reimburse the plaintiff for any fees received under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Eric Komitee
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 4, 2026
DOCKET	23-CV-6065 (EK)(TAM)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's unobjected-to Report and Recommendation recommending an award of attorney's fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	Clear-error review of an unobjected-to magistrate judge's Report and Recommendation.
PRECEDENTIAL VALUE	Unpublished district court memorandum order; limited precedential value
PARTIES	Enrique C. Cabrera v. Commissioner of the Social Security Administration

TOPICS

- attorney fees
- civil procedure
- administrative law
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to award plaintiff's counsel \$19,305.00 in attorney's fees under 42 U.S.C. § 406(b) should be adopted after clear-error review.
2. Whether plaintiff's counsel should reimburse the plaintiff for any fees received under the Equal Access to Justice Act.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error on the face of the record; finding no error, the court may adopt the recommendation in its entirety.
2. Plaintiff's counsel is awarded \$19,305.00 in attorney's fees pursuant to 42 U.S.C. § 406(b).

KEY QUOTATIONS

“Having reviewed the record, I find no error and therefore adopt the R&R in its entirety.”

FACTUAL BACKGROUND

The plaintiff moved for an award of attorney's fees. Magistrate Judge Merkl recommended awarding plaintiff's counsel \$19,305.00 pursuant to 42 U.S.C. § 406(b) and requiring counsel to reimburse the plaintiff for any fees received under the Equal Access to Justice Act. No party filed objections within the applicable period.

PROCEDURAL HISTORY

Magistrate Judge Merkl recommended granting the plaintiff's motion for attorney's fees and awarding plaintiff's counsel \$19,305.00 under 42 U.S.C. § 406(b), with reimbursement to the plaintiff of any fees received under the Equal Access to Justice Act. Neither party objected, so the district court reviewed the recommendation for clear error and adopted it in its entirety.

DISPOSITION

other

CASES CITED

- State Farm Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----
-----x ENRIQUE C. CABRERA, Plaintiff, MEMORANDUM & ORDER 23-CV-6065
(EK)(TAM) -against- COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION,
Defendant. -----x ERIC KOMITEE, United States District Judge: The

Court has received Magistrate Judge Merkl's Report and Recommendation (R&R) dated December 10, 2025.

ECF No. 19. Judge Merkl recommends that the Court grant plaintiff's motion for attorney's fees, ECF No. 16, that plaintiff's counsel be awarded \$19,305.00 in fees pursuant to 42 U.S.C. § 406(b), and that counsel reimburse plaintiff any fees received under the Equal Access to Justice Act. Neither party has filed objections and the time to do so has expired.

Accordingly, the Court reviews Judge Merkl's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, the motion for attorney's fees is granted, and plaintiff's counsel is awarded \$19,305.00 pursuant to 42 U.S.C. § 406(b). Counsel should reimburse plaintiff any fees received under the Equal Access to Justice Act. SO ORDERED. /s/ Eric Komitee ERIC KOMITEE United States District Judge
Dated: February 4, 2026 Brooklyn, New York