

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.

OPINION

Cabrera

PER CURIAM.

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

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