

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|----------------------------|---|-------------------------------------|
| FREDERICK DAVENPORT, | : | |
| | : | |
| Plaintiff, | : | Case No. 3:06CV00402 |
| | : | |
| vs. | : | District Judge Thomas M. Rose |
| | : | Magistrate Judge Sharon L. Ovington |
| | : | |
| MICHAEL J. ASTRUE, | : | |
| Commissioner of the Social | : | |
| Security Administration, | : | |
| | : | |
| Defendant. | : | |

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #20), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on December 22, 2008 (Doc. #20) is **ADOPTED** in full;
2. Plaintiff's Motion For Attorney Fees Under Equal Access To Justice Act (EAJA), 28 U.S.C. §2412(d) (Doc. #17) is **GRANTED**;
3. Plaintiff is granted an award of attorney fees under the EAJA in the amount of \$3,522.44; and
4. The case remains terminated on the docket of this Court.

January 13, 2009

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge