

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TERRY MADDOX,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:07cv515-WKW
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

This case is now before the Court on Plaintiff’s *Application for Attorney Fees Under the Equal Access to Justice Act* (Doc. 26, filed April 27, 2009). This case was remanded to the Commissioner for further consideration. (Doc. 25, entered January 27, 2009). Through *Defendant’s Response to Plaintiff’s Application*, (Doc. 28 filed May 5, 2009), the Commissioner agrees to pay \$ 3,750.00 under the Act (EAJA).

Upon review, the Court determines that the plaintiff's application for an award of attorney fees and costs under EAJA is timely filed, that Plaintiff has met the requisite prevailing party status entitling him to an award of fees, and that the terms of the award agreed upon by the parties are reasonable. For the reasons explained in this *Recommendation*, the Magistrate Judge concludes the fee request is made in accordance with applicable statutes, and therefore, **RECOMMENDS** that fees in the amount of \$3750.00 be awarded to Plaintiff.

It is further ORDERED that the parties shall file any objections to the said

Recommendation by May 18, 2009. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 5th day of May, 2008.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE