

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

GWENDOLYN DUNNING

PLAINTIFF

VS.

Civil No. 1:10-cv-1002

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed January 9, 2012 by the Honorable Erin L. Setzer, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 15). Judge Setzer recommends that Plaintiff be awarded attorney's fees of \$2,803.35 under the Equal Access to Justice Act ("EAJA"), in addition to any past due Social Security benefits which Plaintiff may be awarded in the future. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's Motion for Attorney's Fees (ECF No. 13) is **GRANTED** in part and **DENIED** in part. Counsel is entitled to compensation under the EAJA in the amount of \$2,803.35.<sup>1</sup>

The parties are reminded that the award herein under the EAJA will be taken into account at such time as a reasonable fee is determined pursuant to 42 U.S.C. § 406 in order to prevent double recovery by counsel for Plaintiff.

**IT IS SO ORDERED**, this 27th day of January, 2012.

/s/ Susan O. Hickey  
Hon. Susan O. Hickey  
United States District Judge

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<sup>1</sup>The Court notes that the motion is denied in part due to the fact that Plaintiff's motion had requested a total of \$2,871.60 in attorney's fees.