

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

TRACY A. BELL

PLAINTIFF

vs.

Civil No. 08-02100

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

O R D E R

Before the Court is the **Report and Recommendation**, filed on March 8, 2010 by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas (document #12). Said Report and Recommendation recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") be **granted**. Defendant has not filed objections to the Report and Recommendation, and the time to object has passed. See 28 U.S.C. § 636(b)(1).

Accordingly, this Court finds that the Magistrate's recommendations should be **adopted in toto** and counsel is entitled to compensation under the EAJA in the amount of **\$2,979.02**. This amount should be paid in addition to, and not out of, any past due benefits which Plaintiff may be awarded in the future.

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 30th day of March, 2010.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE