

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

TERRI ROBERSON

PLAINTIFF

v.

Case No. 2:11-CV-02020

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Currently before the Court is the Report and Recommendation (Doc. 19) filed on April 23, 2012 by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. Judge Marschewski recommends that Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, be granted. 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).

The Court finds that the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, the Court **ORDERS** that Plaintiff's Motion for Attorney Fees (Doc. 16) be **GRANTED** and finds that Plaintiff is entitled to an award of attorney's fees under the EAJA in the amount of \$4,927.20. This award represents 3 attorney hours in 2010 at an hourly rate of \$171.00, 17.05 attorney hours in 2011 at an hourly rate of \$174.00, 1 attorney hour in 2012 at an hourly rate of \$180.00, and 16.9 paralegal hours at an hourly rate of \$75.00. 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 14th day of May, 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE