

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

JOSHUA HERMAN

PLAINTIFF

vs.

Civil No. 2:11-CV-02094

MICHAEL J. ASTRUE  
Commissioner, Social Security Administration

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation (Doc. 17) filed on September 4, 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. 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).

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. 13) be **GRANTED** and finds that Plaintiff is entitled to an award under the EAJA in the amount of \$4,767.90. This award represents 18.35 hours of attorney time for work performed in 2011 at an hourly rate of \$174.00; 3.75 hours of attorney time for work performed in 2012 at an hourly rate of \$180.00; and 12.00 hours of paralegal time 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 15th day of November, 2012.

*/s/ P. K. Holmes, III*

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