

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

DAVID BRANDT

PLAINTIFF

vs.

Civil No. 2:11-CV-02152

MICHAEL J. ASTRUE  
Commissioner, Social Security Administration

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation (Doc. 16) filed on October 26, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. Judge Bryant recommends that Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, be granted. Neither party has 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 \$5,342.85. This award represents 19.15 attorney hours in 2011 at an hourly rate of \$174.00, 4.65 attorney hours in 2012 at an hourly rate of \$180.00, and 15.65 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 4th day of December, 2012.

*P. K. Holmes, III*

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