

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

LINDA OLIVER

PLAINTIFF

V.

NO. 12-2016

CAROLYN W. COLVIN,¹

Acting Commissioner of the Social Security Administration

DEFENDANT

ORDER

On this 10th day of September, 2013, comes on for consideration the United States Magistrate Judge Erin L. Setser's Report and Recommendation (doc. 16) dated August 20, 2013, regarding the request for attorney's fees filed by Plaintiff's counsel. No objections were filed, and the Court hereby adopts the Report and Recommendation in its entirety.

For the reasons set forth in the Report and Recommendation, the Court hereby orders that Plaintiff's counsel is entitled to compensation under the EAJA for: 3.10 attorney hours in 2011 at an hourly rate of \$174.00, 14.38 attorney hours in 2012 at an hourly rate of \$180.00, and 1.50 attorney hours in 2013, at an hourly rate of \$182.00, plus 17.23 paralegal hours at an hourly rate of \$75.00, for a total attorney's fee award of **\$ 4,693.05**. 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 the Plaintiff.

¹Carolyn W. Colvin, has been appointed to serve as acting Commissioner of Social Security, and is substituted as Defendant, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/ Robert T. Dawson
HONORABLE ROBERT T. DAWSON
UNITED STATES DISTRICT JUDGE