

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

MARK BYRD

PLAINTIFF

v.

Civil No. 12-2285

CAROLYN W. COLVIN
Commissioner, Social Security Administration

DEFENDANT

ORDER

The Court has received proposed findings and recommendations (Doc. 21) from Chief United States Magistrate Judge James R. Marschewski. There have been no objections. After careful review, the Court concludes that the findings and recommendations should be, and hereby are, approved and adopted as this Court's findings in all respects in their entirety.

Accordingly, the Court ORDERS that Plaintiff's Motion for Attorney Fees (Doc. 17) be GRANTED and finds that Plaintiff is entitled to an award under the EAJA in the total amount of \$3,498.00. This amount should be paid in addition to, and not out of, any past due benefits which Plaintiff may be awarded in the future. Pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528 (2010), the EAJA award should be made payable to Plaintiff, but may be mailed to Plaintiff's counsel.

IT IS SO ORDERED this 14th day of April, 2014.

P. K. Holmes, III

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