

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

KIRK P. SPENCER, III

PLAINTIFF

vs.

Civil No. 2:12-cv-02303

CAROLYN COLVIN  
Commissioner, Social Security Administration

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed on February 25, 2014 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 18. Judge Bryant recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") 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).

Accordingly, this Court finds that Plaintiff is entitled to compensation under the EAJA in the amount of \$3,412.65. This award represents 3.00 attorney hours at an hourly rate of \$180.00 for work performed in 2012, 13.80 attorney hours at an hourly rate of \$183.00 for work performed in 2013 and 2014, and 11.95 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 28th day of March 2014.**

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