

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

JAMES F. SMITH

PLAINTIFF

v.

Civil No. 13-2114

CAROLYN W. COLVIN  
Commissioner, Social Security Administration

DEFENDANT

**ORDER**

The Court has received proposed findings and recommendations (Doc. 25) 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. 22) be GRANTED and finds that Plaintiff is entitled to an award under the EAJA in the total amount of \$4,096.50. 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 22<sup>nd</sup> day of August, 2014.

*P. K. Holmes, III*

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