

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

TIMOTHY S. FLEMING

PLAINTIFF

vs.

Civil No. 2:13-cv-02120

CAROLYN W. COLVIN  
Commissioner, Social Security Administration

DEFENDANT

**J U D G M E N T**

Comes now the Court in accordance with the Memorandum Opinion entered in the above-styled case on today's date, and hereby considers, orders, and adjudicates that Plaintiff's Complaint is hereby dismissed without prejudice.

If Plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up to thirty (30) days after the judgment becomes "not appealable" i.e., thirty (30) days after the sixty (60) day time for appeal has ended. *See Shalala v. Schaefer*, 509 U.S. 292, 296, 113 S.Ct. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

**ENTERED this 10<sup>th</sup> day of April 2014.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U. S. MAGISTRATE JUDGE