

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

TERESA C. HUFF

PLAINTIFF

vs.

Civil No. 3:07-cv-03029

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on November 19, 2008 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas (document #16). Judge Bryant recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") be **GRANTED IN PART**. Neither party has filed objections to the Report and Recommendation, and the time to object has passed.

Accordingly, this Court finds that Plaintiff's counsel is entitled to compensation under the EAJA for 13.40 hours for attorney's fees at the rate of \$165.00 per hour in addition to \$11.34 in costs, for a total award of **\$2,222.34**. 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 the 15th day of December 2008.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE