

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

TERLANN S. WHEELER

PLAINTIFF

v.

CIVIL NO. 07-3058

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

O R D E R

NOW on this the 23rd day of February 2009, the Court has before it for consideration Plaintiff's Request for Attorney's Fees and Costs Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (document #11).

For the reasons set forth in the Report and Recommendation filed by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, on January 22, 2009 (document #16), the Court finds that the Magistrate's recommendations should be adopted *in toto* and hereby awards Plaintiff's attorney fees in the amount of \$1,773.39, representing 10.65 hours of work at a rate of \$165.00 per hour and \$16.14 in expenses. Further, this award should be paid directly to Plaintiff's counsel. *Ratliff v. Astrue*, 540 F.3d 800, 802 (8th Cir. 2008).

This amount shall be paid in addition to, and not out of, any past-due benefits Plaintiff may be awarded in the future.

IT IS SO ORDERED.

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