

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

ETTA J. CAVINESS

PLAINTIFF

V.

NO. 09-3081

MICHAEL J. ASTRUE,
Commissioner of the Social Security Administration

DEFENDANT

ORDER

On this 23rd day of January, 2012, comes on for consideration United States Magistrate Judge Erin L. Setser's Report and Recommendation dated December 19, 2011, to which no objections have been filed.

For the reasons set forth in the Report and Recommendation, the Court hereby orders that Plaintiff's counsel is entitled to compensation under the EAJA for: 3.55 attorney hours at a rate of \$155.00 per hour, and 5.15 paralegal hours at a rate of \$75.00 per hour, for a total attorney's fee award of \$ 936.50, plus \$51.85 in costs, for a total award of \$994.35. 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 the Plaintiff.

IT IS SO ORDERED.

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