

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

ZANE D. SANDERS

PLAINTIFF

v.

Civil No. 09-3088

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

O R D E R

Now on this 3rd day of January, 2012, comes on for consideration the **Magistrate Judge's Report and Recommendation** (Doc. 23) to which no objections have been made. The Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, the Court finds that **Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act** (Doc. 14) should be, and it hereby is, **granted**.

IT IS FURTHER ORDERED that Plaintiff is entitled to compensation under the EAJA for 12.95 hours -- at a rate of \$170.00 per hour for 1.5 hours of work performed in 2009; \$173.00 per hour for 9.7 hours of work performed in 2010; and \$173.00 per hour for 1.75 hours of work performed in 2011 -- for a total attorney's fee award of \$2,235.85, plus \$17.13 in costs. 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
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE