

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

JAMES E. MAYBEE

PLAINTIFF

vs.

Civil No. 3:10-cv-03063

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**ORDER**

Before the Court is the Report and Recommendation filed on October 26, 2011 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 16. Judge Bryant recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") be **GRANTED**. No objections have been filed to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1).

Accordingly, this Court finds that counsel is entitled to compensation under the EAJA in the amount of \$2,340.58. This award represents 12.05 hours of attorney time in 2010 at an hourly rate of \$169.66, 1.60 hours of attorney time in 2011 at an hourly rate of \$174.41, and \$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 Plaintiff.

**IT IS SO ORDERED, this 12th day of December, 2011.**

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