

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

MARK S. MCVEY

PLAINTIFF

vs.

Civil No. 3:10-CV-03095

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on April 4, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 20). Judge Bryant recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") (Doc. 15) be **GRANTED**. Defendant has not filed objections 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 Plaintiff is entitled to compensation under the EAJA in the amount of \$1,762.85. This award represents 5.65 hours of attorney time at an hourly rate of \$155.00, 11.15 hours of paralegal time at an hourly rate of \$75.00, and \$50.85 in costs and expenses.¹

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 5th day of April, 2012.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE

¹ Judge Bryant set forth the basis for his calculation of the EAJA fee award in his Report and Recommendation (Doc. 20), finding the total fee to be \$1,759.10; however, the sum of 5.65 hours of attorney time at an hourly rate of \$155.00, plus 11.15 hours of paralegal time at an hourly rate of \$75.00, plus \$50.85 in costs and expenses equals \$1,762.85, not \$1,759.10. Accordingly, the Court orders an award of \$1,762.85 but otherwise adopts in all other respects the reasoning and recommendations contained in the Magistrate's Report (Doc. 20).