

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

JERRY WAYNE FOSTER

PLAINTIFF

vs.

Civil No. 4:10-cv-04010

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on June 6, 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**. 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 counsel is entitled to compensation under the EAJA in the amount of \$3,454.34. This award represents 17.50 hours at the hourly rate of \$173.96 and 2.20 hours at the hourly rate of \$176.00 in addition to \$22.84 in costs and expenses. 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 28th day of June, 2011.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge