

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

LINDA GAIL UNCEL

PLAINTIFF

vs.

Civil No. 4:10-cv-04089

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**ORDER**

Currently before the Court is the Report and Recommendation (Doc. 18) filed on August 22, 2011 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. Judge Bryant recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, 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).

The Court finds that the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff is entitled to compensation under the EAJA in the amount of \$5,453.50. This award represents 29.5 attorney hours at an hourly rate of \$173.00 and costs of \$350.00. 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 20th day of October, 2011.

*/s/ P. K. Holmes, III*

P.K. HOLMES, III  
UNITED STATES DISTRICT JUDGE