

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

TANDY L. AMBURGEY

PLAINTIFF

V.

CASE NO. 4:15-CV-04053

CAROLYN COLVIN,
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on January 30, 2017, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 26). Judge Bryant recommends that Plaintiff's Application for Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA") (ECF No. 21) be granted. The parties have not filed objections to the Report and Recommendation and the time to object has passed. *See* 28 U.S.C. § 636(b)(1).

Accordingly, the Court adopts the Report and Recommendation *in toto*. The Court finds that Plaintiff is entitled to compensation under the EAJA in the amount of \$7,784.20. This award represents 39.70 attorney hours at an hourly rate of \$186.00 for work performed and \$400.00 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 21st day of February, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge