

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

CALVIN L. CUNNINGHAM

PLAINTIFF

v.

Civil No. 06-5088

MICHAEL J. ASTRUE,  
Commissioner of Social Security

DEFENDANT

O R D E R

Now on this 20th day of July, 2010, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #23) to which no objections have been made. The Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, the Court finds that **Plaintiff's Request for EAJA Attorney Fees and Costs Under the Equal Access to Justice Act** (document #20) should be, and it hereby is **granted**.

**IT IS FURTHER ORDERED** that Plaintiff's counsel should be awarded compensation under the EAJA for: 31.64 hours at a rate of \$152.00 per hour, plus costs of \$28.30, for a total award of \$4,837.58. This amount should be paid in addition to, and not out

of, any past due benefits which Plaintiff may be awarded in the future.

**IT IS SO ORDERED.**

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