

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

JEREMIAH DOWNING

PLAINTIFF

vs.

Civil No. 5:08-cv-05077

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on September 24, 2009 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 13). 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 for 27.55 hours for attorney fees at the rate of \$152.00 per hour, plus expenses of \$27.24, for a total attorney fee award of \$4,214.84. 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 16th day of October, 2009.

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