

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

DEBORAH K. BENTON

PLAINTIFF

v.

Civil No. 08-5254

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 #13) 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 Motion for Attorney Fees Under the Equal Access to Justice Act** (document #11) should be, and it hereby is, **granted**.

IT IS FURTHER ORDERED that Plaintiff's counsel should be awarded compensation under the EAJA for: 14.9 hours (18.08 hours minus 3.9 hours) at a rate of \$125.00 per hour, for a total attorney's fee award of \$1,862.50, plus the filing fee of \$350.00 as expenses, for a total award of \$2,212.50. 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