

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

DORINDA MOUNCE

PLAINTIFF

vs.

Civil No. 5:09-cv-05047

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**ORDER**

Before the Court is the Report and Recommendation filed on February 8, 2010 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 IN PART**. Judge Bryant recommends that a proper hourly rate should be \$167.00. Plaintiff had requested an hourly in excess of \$167.00 and Defendant filed objections to this requested rate. Neither party has 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 15.70 hours for attorney fees at the rate of \$167.00 per hour, for a total attorney fee award of \$2,621.90. 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 11th day of March, 2010.**

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