

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

WILLARD J. HARRELL,
Plaintiff,

vs.

Case No.: 3:08cv66/LAC/EMT

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated January 5, 2009 (Doc. 21). The parties have been furnished a copy of the report and recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of objections filed, if any.

Having considered the report and recommendation, and any timely filed objections thereto, I have determined that the report and recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.

2. Plaintiff's Motion for Attorney Fees and Costs Under the Equal Access to Justice Act (Doc. 18) is **GRANTED** as follows:

Plaintiff's counsel, Nick A. Ortiz, Esquire, is entitled to recover expenses and fees in the amount of \$3,133.40, for representing Plaintiff before the United States District Court for the Northern District of Florida pursuant to 28 U.S.C. § 2412 (EAJA); the amount of attorney fees and hourly rates requested under the EAJA are reasonable; and the Commissioner is directed to pay counsel that amount. Filing fee costs in the amount of \$350.00 are also awarded, to be paid from the Judgment Fund

of the United States Treasury.

DONE AND ORDERED this 4th day of February, 2009.

s/L. A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE