

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

TEBRA PRETTO,  
Plaintiff,

vs.

Case No.: 3:08cv397/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 September 10, 2009 (Doc. 30). 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). No objections have been filed.

Having considered the Report and Recommendation, 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 Under the Equal Access to Justice Act (Doc. 28) is

**GRANTED** as follows:

Plaintiff's counsel, John M. Pennington, Esquire, is entitled to recover fees in the amount of \$2,521.73, 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.

**DONE AND ORDERED** this 14<sup>th</sup> day of October, 2009.

*s/L.A. Collier*

\_\_\_\_\_

**LACEY A. COLLIER**

**SENIOR UNITED STATES DISTRICT JUDGE**