

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 the
Social Security Administration,
Defendant.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 4, 2011 (Doc. 35). 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. The Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b) (Doc. 32) is **GRANTED**.
3. Plaintiff's counsel, John M. Pennington, is awarded attorney's fees in the amount of \$16,407.00, to be paid out of the sums withheld by the Commissioner from Plaintiff's past due benefits.

4. Upon receipt of attorney's fees in the amount of \$16,407.00 pursuant to 42 U.S.C. § 406(b), Plaintiff's counsel, John M. Pennington, shall immediately refund to Plaintiff the previously awarded EAJA fee in the amount of \$2,521.73.

DONE AND ORDERED this 4th day of February, 2011.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE