

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

BARBARA H. ENGBERG,
Plaintiff,

vs.

Case No.: 3:10cv64/RV/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 December 13, 2012 (doc. 46). 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 Under Title 42 U.S.C. § 406(b) (doc. 44) is **GRANTED**.

3. Plaintiff's counsel, Stacey Penn Clark, is awarded attorney's fees in the total amount of \$13,767.43, which shall be paid out of Plaintiff's past due benefits.

4. Upon receipt of attorney's fees pursuant to 42 U.S.C. § 406:
(a) in the amount of \$13,767.43, Plaintiff's counsel, Stacey Penn Clark, shall immediately refund to Plaintiff the previously awarded EAJA fee in the amount of \$5,750.00 and the previously awarded sum of \$5,214.00; or

(b) in the amount of \$8,553.43, Plaintiff's counsel, Stacey Penn Clark, shall immediately refund to Plaintiff the previously awarded EAJA fee in the amount of \$5,750.00.

DONE AND ORDERED this 11th day of January, 2013.

/s/ Roger Vinson _____

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE