

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**TIMOTHY K. DAVENPORT,**

**Plaintiff,**

**vs.**

**Case No. 4:08cv416-RH/WCS**

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

**Defendant.**

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**REPORT AND RECOMMENDATION**

Pending is Plaintiff's Petition for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"). Doc. 36. The motion was filed on August 13, 2009, but was not electronically referred to me. Counsel for Plaintiff called my office to inquire a few days ago, and that prompts this report and recommendation.

In the future, counsel for both parties are advised that it is entirely appropriate to call my office to ask about the status of a case. Motions that are filed electronically should be promptly referred to me electronically. Counsel may check the electronic docket for a docket entry noting that this referral took place. The absence of a docket entry showing a referral usually means that I am not aware that the motion is pending.

Plaintiff seeks attorney fees pursuant to the EAJA, 28 U.S.C. § 2412(d) in the amount of \$4,816.63 representing 4.5 hours at an hourly rate of \$172.88 per hour and 23.6 hours at a rate of \$171.13 per hour. Defendant has no objection to the amount requested by Plaintiff and has no objection that this be paid to counsel for Plaintiff, Heather Freeman. Doc. 37.

Accordingly, it is **RECOMMENDED** that Plaintiff's petition for attorney's fees, doc. 36, be **GRANTED** and the court order that the Commissioner certify and pay to Plaintiff \$4,816.63 as a reasonable fee, payable to Heather Freeman, Esq.

**IN CHAMBERS** at Tallahassee, Florida, on December 4, 2009.

s/ William C. Sherrill, Jr.  
**WILLIAM C. SHERRILL, JR.**  
**UNITED STATES MAGISTRATE JUDGE**

**NOTICE TO THE PARTIES**

**A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.**