

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

TIMOTHY K. DAVENPORT,

Plaintiff,

v.

CASE NO. 4:08cv416-RH/CAS

MICHAEL J. ASTRUE,

Defendant.

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**ORDER AWARDING ATTORNEY'S FEES**

This case is before the court on the magistrate judge's second report and recommendation, ECF No. 43. No objections have been filed. Upon consideration,

**IT IS ORDERED:**

The report and recommendation is ACCEPTED and adopted as the court's opinion. The plaintiff's motion for attorney's fees, ECF No. 40, is GRANTED. The Secretary must pay \$15,263.88 as attorney's fees under the Social Security Act, but the plaintiff's attorney must refund to the plaintiff \$4,816.63 received as

fees under the Equal Access to Justice Act.

SO ORDERED on August 23, 2012.

s/Robert L. Hinkle  
United States District Judge