

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

MICHAEL DAVID O'NEAL,

Plaintiff,

vs.

CASE NO. 5:08cv332/RS-EMT

MICHAEL J. ASTRUE, Commissioner
of Social Security Administration,

Defendant.

_____ /

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 34); Plaintiff's Application For Attorney Fees Under The Equal Access To Justice Act (Doc. 31); and Defendant's Response to Plaintiff's Application For Attorney Fees (Doc. 33).

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Plaintiff's Application For Attorney Fees (Doc. 31) is **granted**.
3. Plaintiff is entitled to recover fees in the amount of \$1,812.50 for time expended by his counsel in representing him 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 rate requested under the EAJA are reasonable.

4. The Commissioner is directed to pay Plaintiff that amount and the award should be mailed to the office of Plaintiff's attorney, Quinn E. Brock.

ORDERED on June 22, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE