

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

DOUGLAS R. OWNBY,

Plaintiff,

v.

CASE NO. 5:09-cv-10-RS-EMT

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

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 36).

No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The Petition for Authorization of Attorney Fee pursuant to the Social Security Act (Doc. 34) is **GRANTED**.
3. Plaintiff's counsel, Heather Freeman, is awarded attorney's fees in the amount of \$36,682.75, 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 \$36,682.75 pursuant to 42 U.S.C. § 406(b), Plaintiff's counsel, Heather Freeman, shall immediately refund to Plaintiff the previously awarded EAJA fee in the amount of \$5,107.57.

ORDERED on February 8, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE