

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

DAVID A. PARKER,

Plaintiff,

vs.

CASE NO. 5:09cv189/RS-EMT

MICHAEL J. ASTRUE, Commissioner
of Social Security Administration,

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 38). No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Plaintiff's Petition for Attorney Fees Pursuant To The Equal Access To Justice Act (Doc. 36) is granted. Petitioner is entitled to recover fees in the amount of \$3,898.44 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). Because Plaintiff owes an outstanding debt to the United States, the fee award is subject to an offset to satisfy the debt.

3. If Plaintiff receives all or any portion of the EAJA fee award, he shall, within seven days of receipt of the award, pay that amount to his attorney, Heather Freeman.

ORDERED on December 23, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE