

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

LE'VIETA DOSTER,

Plaintiff,

vs.

Case No. 5:10cv50-MCR/WCS

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

Defendant.

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REPORT AND RECOMMENDATION

Pending is Plaintiff's Motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d) representing attorney fees in the amount of \$3,375.00 and paralegal fees in the amount of \$615.00, for a total award of \$3,990.00.

Docs. 22. Defendant has filed a response advising the court that they have no objection to the amount requested by Plaintiff, but point out that the fee should be paid to Plaintiff.

Doc. 24. Defendant is correct. In accordance with Astrue v. Ratliff, 130 S.Ct. 2521, 2010 WL 2346547 (June 14, 2010) (No. 08-1322), the EAJA fee should be made payable to Plaintiff, not to Plaintiff's attorney.

In light of the above, it is **RECOMMENDED** that:

Plaintiff's Petition for attorney's fees, doc. 22, be **GRANTED** and the court order that the Secretary certify and pay to Plaintiff \$3,990.00 as a reasonable attorney and paralegal fee.

IN CHAMBERS at Tallahassee, Florida, on December 14, 2010.

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 14 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 14 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.