UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

JILL M. SMITH,)	
Plaintiff,)	
v.)	CASE NO.: 1:10-CV-163-TLS
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

OPINION AND ORDER

The Plaintiff, Jill M. Smith, brought this action pursuant to 42 U.S.C. § 405(g), which resulted in a remand of the Commissioner's final decision denying her application under the Social Security Act for disability benefits. This matter is now before the Court on the Report and Recommendation [ECF No. 46] of United States Magistrate Judge Roger B. Cosbey, filed on February 16, 2012. In his Report and Recommendation, Judge Cosbey recommends that the Plaintiff's Application for Attorneys' Fees Under the EAJA [ECF No. 41] be GRANTED, except that the requested fee award of \$16,673.38 be reduced to \$12,637.32, reflecting a downward adjustment in the total number of hours of legal work from 92.95 to 70.45.

This Court's review of a magistrate's report and recommendation is governed by 28 U.S.C. § 636(b)(1), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute permits objections to the magistrate's report and recommendations to be made within fourteen days of service of a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate's report and recommendation and the district court's

resolution of any objections).

As of the date of this Order, no objection to the Report and Recommendation has been

filed, and the time for making objections has now passed. Having reviewed the Report and

Recommendation prepared by Judge Cosbey, the Court ADOPTS the Report and

Recommendation [ECF No. 46] in its entirety and ACCEPTS the recommended disposition. The

Plaintiff's Application [ECF No. 41] is GRANTED in the amount of \$12,637.32. The Court

ORDERS that payment by the Commissioner in the amount of \$12,637.32 be made directly to

Randal Forbes.

SO ORDERED on March 7, 2012.

s/ Theresa L. Springmann

THERESA L. SPRINGMANN UNITED STATES DISTRICT COURT

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