UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD A. MAJOR,

Plaintiff

v. **C-1-10-530**

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Supplemental Report and Recommendation of the United States Magistrate (doc. no. 22) to which there are no objections.

Upon a *de novo* review of the record, the Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the recommendation of the Magistrate Judge.

Accordingly, the Court hereby ADOPTS the Supplemental Report and Recommendation of the United States Magistrate Judge (doc. no. 22). Plaintiff's Motion for Attorney's Fees under the EAJA (doc. 21) is GRANTED to the extent that the Commissioner should pay either to plaintiff directly, or to plaintiff's counsel, a fee award in the amount of $4,320.23. The recommended award reflects 32 attorney hours reasonably expended multiplied by the statutory hourly rate of $125.00, plus costs less any offset permitted by *Astrue v. Ratliff*, 560 U.S. ___, 130 S.Ct. 2521 (2010). As Plaintiff has submitted evidence of a valid assignment of the EAJA fee award to his attorney, the Commissioner should pay the fee award to plaintiff's counsel in accordance with that fee contract so long as the Commissioner agrees that plaintiff owes no pre-existing debt to the Government.

Upon the filing of the Supplemental Report and Recommendation dated April 11, 2012 (doc. no. 22), the Report and Recommendation of the United States Magistrate Judge dated February 14, 2012 (doc. no. 19) is MOOT.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court