

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JAMES STEPHENS,	:	
Plaintiff,	:	Case No. 3:10cv00295
vs.	:	District Judge Walter Herbert Rice Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social Security Administration,	:	
Defendant.	:	

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**DECISION AND ENTRY ADOPTING IN FULL THE REPORT AND  
RECOMMENDATIONS FILED ON AUGUST 2, 2011 (Doc. #14); VACATING  
THE COMMISSIONER'S NON-DISABILITY FINDING; REMANDING THIS  
CASE TO THE COMMISSIONER AND THE ADMINISTRATIVE LAW  
JUDGE UNDER SECTION FOUR OF 42 U.S.C. § 405(g) FOR FURTHER  
CONSIDERATION CONSISTENT WITH THE REPORT AND  
RECOMMENDATIONS (Doc. #14); AND TERMINATING THE CASE ON  
THE DOCKET OF THIS COURT**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #14), to whom this case originally was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations.

IT THEREFORE IS ORDERED that:

1. The Report and Recommendations filed on August 2, 2011 (Doc. #14) are **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made as to whether Plaintiff James Stephens was under a "disability" within the meaning of the Social Security Act;
4. This case is **REMANDED** to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations (Doc. #14); and
5. This case is **TERMINATED** on the docket of this Court.



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Walter Herbert Rice  
United States District Judge