

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-10656  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCT 23, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-02831-CV-2-IPJ

SUSAN KEITH,

Plaintiff-Appellant,

versus

PRUDENTIAL INSURANCE COMPANY OF AMERICA,  
d.b.a. Prudential Financial,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Alabama  
\_\_\_\_\_

**(October 23, 2008)**

Before BARKETT and WILSON, Circuit Judges, and GOLDBERG,\* Judge.

PER CURIAM:

\_\_\_\_\_  
\* Honorable Richard W. Goldberg, Judge, United States Court of International, sitting by designation.

This case comes before us for a second time. Susan Keith appeals the district court's decision affirming the plan administrator's denial of long-term disability benefits, specifically presenting two arguments: (1) the district erred in finding that the plan administrator's decision was wrong but reasonable at step three; and (2) the district court erred in finding that the plan administrator's decision was not tainted by self-interest at step six.

Having considered the arguments presented in the briefs as well as at oral argument, we remand this case to the district court in light of *Oliver v. Coca Cola Co.*, 497 F.3d 1181, *vacated in part on petition for reh'g*, 506 F.3d 1316 (11th Cir. 2007) as to step three,<sup>1</sup> and our Circuit's recent decision in *Doyle v. Liberty Life Assurance Co. of Boston*, \_\_ F.3d \_\_, 2008 WL 4272748 (11th Cir. Sept. 18, 2008) as to step six.

**REVERSED and REMANDED.**

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<sup>1</sup>The district court first affirmed the denial of benefits on or about December 12, 2006. We remanded on November 29, 2007 as to step six, and the district court again affirmed on or about January 14, 2008, addressing only step six. Our Circuit decided *Oliver* on August 29, 2007, and hence, the district court has not yet considered Keith's case with the benefit of *Oliver*.