Rhodes v. Astrue (CONSENT) Doc. 14

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELOISE T. RHODES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:11cv558-CSC
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

OPINION and ORDER

On January 19, 2012, the defendant filed a motion to reverse and remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *See* Doc. # 13. The plaintiff does not object to a remand. In addition, the parties have consented to entry of final judgment by the United States Magistrate Judge. *See* 28 U.S.C. § 636(c). Accordingly, it is

ORDERED that the defendant's motion to remand (doc. # 13) be and is hereby GRANTED. It is further

ORDERED AND ADJUDGED that the decision of the Commissioner be and is hereby REVERSED and this case be and is hereby REMANDED to the Commissioner for further proceedings. Finally, it is

ORDERED that, in accordance with *Bergen v. Comm'r of Soc. Sec.*, 454 F.3d 1273, 1278 fn. 2 (11th Cir. 2006), the plaintiff shall have **ninety (90)** days after she receives notice of any amount of past due benefits awarded to seek attorney's fees under 42 U.S.C. § 406(b). *See also Blitch v. Astrue*, 261 Fed. Appx. 241, 242 fn.1 (11th Cir. 2008).

A separate order will be entered.

Done this day of 19th day of January 2012.

/s/Charles S. Coody
UNITED STATES MAGISTRATE JUDGE

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