

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

WILLIAM M. DUCKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:09cv973-MHT
	)	(WO)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

On February 23, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the recommendation of the United States Magistrate Judge, it is ORDERED as follows:

1. That the recommendation of the United States Magistrate Judge (doc. no. 17) is adopted;
2. That the decision of defendant Commissioner of Social Security is reversed and this case is remanded to defendant Commissioner of Social Security for further proceedings consistent with the recommendation of the United States Magistrate Judge including full development of evidence concerning the effect of the plaintiff's mental impairment on his ability to perform work; and
3. 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 60 days after he receives notice of any amount

of past due benefits awarded to seek attorney's fees under 42 U.S.C. § 406(b). See also  
Blicht v. Astrue, 261 Fed. Appx. 241, 242 fn.1 (11th Cir. 2008).

A separate judgment will be entered.

DONE, this the 25th day of March, 2011.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE