

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

KATHY LATASHA GAINES)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:12-cv-72-TFM
)	
MICHAEL ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

OPINION and ORDER

Now pending before the court is the Unopposed Motion to Reverse and Remand filed by the Commissioner on July 18, 2012. (Doc. No. 15.) 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 Unopposed Motion to Reverse and Remand 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 Blich v. Astrue*, 261 Fed. Appx. 241, 242 fn.1 (11th Cir.

2008).

DONE this 19th day of July, 2012.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE