

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

GERALDINE C. COATES,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of
Social Security,**

Defendant.

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*** Civil Action 08-0091-CG-B**

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated September 4, 2008 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown, it is **ORDERED** that Defendant's unopposed Motion and Memorandum for Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant (Doc. 16) be and hereby is **GRANTED**, and that this action is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) so that the Appeals Council will ". . . vacate the October 25, 2005 administrative decision and remand the matter to an Administrative Law Judge with instructions to fully evaluate Plaintiff's credibility in accordance with the Commissioner's regulations and Social Security Ruling(SSR) 96-7p." (*Id.* at 1).

This remand, pursuant to sentence four of Section 405(g), makes Plaintiff a prevailing

party for purposes of the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. Shalala v. Schaefer, 509 U.S. 292 (1993).

DONE and ORDERED this 29th day of September 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE