

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

VINCE LEE WINTERS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action 11-00261-CB-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 January 5, 2012 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown, it is **ORDERED** that Defendant's unopposed Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g) (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 can remand the case to an Administrative Law Judge to "reassess Plaintiff's residual

functional capacity without reliance on the non-physician single decision-maker's assessment." (Doc. 19 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** this 9<sup>th</sup> day of **January, 2012**.

*s/Charles R. Butler, Jr.*  
**SENIOR UNITED STATES DISTRICT JUDGE**