

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

ARONDA NEWMAN

PLAINTIFF

VS.

Civil No. 1:11-cv-1035

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed April 4, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 10). Judge Bryant recommends that the decision of the ALJ, denying disability benefits to Plaintiff, be reversed and remanded for proper review and analysis of the opinions of Plaintiff's physician, Dr. Joe Wharton. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Accordingly, the Court hereby adopts the Report and Recommendation *in toto*; reverses the decision of the Commissioner, and remands this case to the Commissioner for further consideration pursuant to sentence four of 42 U.S.C. § 405(g) (2006).

If Plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up to thirty (30) days after the judgment becomes "not appealable" i.e., thirty (30) days after the sixty (60) day time for appeal has ended. *See* *Shalala v. Schaefer*, 509 U.S. 292, 296, 113 S.Ct. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED, this 27th day of April, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge