

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

WAYNE L. LARUE

PLAINTIFF

vs.

Civil No. 3:08-cv-03044

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**JUDGMENT**

Now on this 4<sup>th</sup> day of January, 2010, comes for consideration the Amended Report and Recommendation dated December 2, 2009 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas (Doc. No. 11). Fourteen (14) days have passed without objections being filed by the parties. The Court has reviewed this case, and being well and sufficiently advised, finds that the Amended Report and Recommendation is proper and should be adopted in its entirety. Accordingly, the Court hereby adopts the Amended Report and Recommendation, 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.

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE