

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

LEMUEL BRINKLEY, III

PLAINTIFF

v.

Case No. 3:10-CV-03085

MICHAEL J. ASTRUE, a/k/a
Social Security Administration Commissioner

DEFENDANT

ORDER

Now on this 6th day of September 2011, comes on for consideration the Report and Recommendation dated July 29, 2011, by the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas. More than 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 Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendations the Court 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). Upon remand, Plaintiff is directed to provide to the ALJ with a copy of his Mid South treatment records within a reasonable time.

If Plaintiff wishes to request an award of attorney fees and cost under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment becomes "not appealable" i.e., 30 days after the 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 6th day of September 2011.

/s/ P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE