

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

REX LYN MARSHALL

PLAINTIFF

v.

Case No. 3:11-CV-03062

MICHAEL J. ASTRUE, Commissioner of  
Social Security Administration

DEFENDANT

**JUDGMENT**

Currently before the Court is the Report and Recommendation (Doc. 11) filed in this case on September 10, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate 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 as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, the Court hereby adopts the Report and Recommendation; reverses the decision of the Administrative Law Judge; and remands this case to the Commissioner for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

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 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 (1993); 28 U.S.C. §§2412(d)(1)(B),(d)(2)(G).

**IT IS SO ORDERED** this 1st day of November, 2012.

*P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE