

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

JAMES C. MALONE, III

PLAINTIFF

v.

Civil No. 12-3098

CAROLYN W. COLVIN,¹ Commissioner
Social Security Administration

DEFENDANT

JUDGMENT

For reasons stated in a memorandum opinion of this date, we conclude that the decision of the Commissioner denying benefits to the plaintiff is not supported by substantial evidence and should be reversed and remanded for further consideration pursuant to sentence four of 42 U.S.C. § 405(g). **The parties have sixty days from entry of the judgment on the docket in which to appeal.**

If plaintiff wishes to request an award of attorney's 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 AND ADJUDGED this 31st day of January 2014.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

¹Carolyn W. Colvin became the Social Security Commissioner on February 14, 2013. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Carolyn W. Colvin has been substituted for Commissioner Michael J. Astrue as the defendant in this suit.