Trusley v. Social Security Administration Commissioner Doc. 11

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

DEBRA L. TRUSLEY PLAINTIFF

VS. CASE NO. 4:08-CV-4020

MICHAEL J. ASTRUE, Commissioner
Social Security Administration DEFENDANT

JUDGMENT

Before the Court is a Report and Recommendation filed March 4, 2009, by the Honorable Barry A. Bryant, Untied States Magistrate Judge for the Western District of Arkansas. (Doc. No. 10). Judge Bryant recommends that this case be reversed and remanded for further development of the record. Defendant has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. The matter is hereby **REVERSED AND REMANDED** for further development of the record.

If plaintiff wishes to request an award of attorneys' 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 24th day of March, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge

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