

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

HOLLY ANGEL CLEMENTS

PLAINTIFF

VS.

CASE NO. 08-CV-4078

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

JUDGMENT

Now on this 28th day of August, 2009, comes for consideration the Report and Recommendation dated August 10, 2009, by the Honorable James R. Marschewki, United States Magistrate Judge for the Western District of Arkansas. Ten (10) days have passed without objections being filed by the parties. The Court has reviewed the case, and being well and sufficiently advised, finds the Report and Recommendation is proper and should be adopted in its entirety. Accordingly, the Court hereby adopts the 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).

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, 113 S.Ct. 2625 (1993); 28 U.S.C. § 2412(d)(1)(B), (d)(2)(G).

IT IS SO ORDERED.

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