

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

SUSAN Y. COOK

PLAINTIFF

vs.

Civil No. 4:10-cv-04146

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

ORDER

Now on this 2nd day of September 2011, comes on for consideration the Report and Recommendation (Doc. 11) dated July 18, 2011 by the Honorable Barry A. Bryant, 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 Recommendation, Defendant's Motion to Remand (Doc. 10) is **GRANTED**. 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) (2010).

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 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 2nd day of September 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE