

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

TRACY SNELL

PLAINTIFF

v.

Civil No. 4:21-cv-04029

KILOLO KIJAKAZI,
Acting Commissioner, Social Security
Administration

DEFENDANT

ORDER AND JUDGMENT

Before the Court is the Report and Recommendation filed November 29, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 19). Judge Bryant recommends that the Court grant Defendant's Unopposed Motion to Reverse and Remand. (ECF No. 18).

Judge Bryant states that Plaintiff does not oppose the Motion. Moreover, Plaintiff has not filed objections to the Report and Recommendation, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Being well and sufficiently advised and finding no clear error on the face of the record, the Court adopts the Report and Recommendation (ECF No. 19) *in toto*. Defendant's Unopposed Motion to Reverse and Remand (ECF No. 18) is **GRANTED**. Judgment is hereby entered in favor of Plaintiff, and the decision of the Commissioner of Social Security in this matter is **REVERSED**. This matter is hereby **REMANDED** to the Commissioner of Social Security for further proceedings 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 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 5th day of January, 2022.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge