

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

HOWARD LEE SMITH, JR.

PLAINTIFF

v.

Case No. 6:20-cv-06109

ANDREW SAUL,
Commissioner, Social Security Administration

DEFENDANT

JUDGMENT

Before the Court is the Report and Recommendation dated June 17, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 17). Fourteen (14) days have passed, and no objections have been filed. The Court has reviewed this case, and being well and sufficiently advised, finds that the Report and Recommendation is proper and should be adopted in its entirety. Accordingly, the Court 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) (2006).

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 14th day of July, 2021.

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