

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACQUELINE P. MATTHIES,

Plaintiff,

vs.

MICHAEL J. ASTRUE,^{1/} Commissioner of
Social Security,

Defendant.

No. 2:05-cv-00820-JKS-GGH

ORDER

Petitioner, a state prisoner proceeding *pro se*, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On July 3, 2007, the Magistrate Judge filed Findings and Recommendations, which were served on all parties and which contained notice to all parties that any objections to the Findings and Recommendations were to be filed within twenty days. No objections to the Findings and Recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this Court has reviewed the record on its face and finds no clear error.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Findings and Recommendations filed July 3, 2007, are adopted in full;
2. The matter is remanded to the Commissioner pursuant to 42 U.S.C. § 405(g) for reconsideration of plaintiff's subjective complaints and nonexertional impairments, reassessment of plaintiff's residual functional capacity, and a determination, based upon the testimony of a

^{1/} Michael J. Astrue substituted for Joanne Barnhardt as Commissioner of Social Security. Fed. R. Civ. P. 17(d).

vocational expert, whether plaintiff can perform any jobs that exist in significant numbers in the national economy; and

3. The Clerk of the Court to enter final judgment accordingly.

IT IS FURTHER ORDERED THAT:

1. Plaintiff to submit a Cost Bill in accordance with Federal Rule of Civil Procedure 54(d)(1) and Local Rule 54-292;

2. Plaintiff's motion for award of attorney's fees at Docket No. 26 will be deemed served and filed immediately after entry of final judgment; and

3. Opposition to the motion for attorney's fees, if any, must be served and filed within 20 days after entry of judgment and Plaintiff's reply, if any, to be served and filed not later than 10 days after service of the opposition.

Dated: February 4, 2008

s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge