

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GEORGE R. BURNETT,

Plaintiff,

vs.

Case No. 8:09-CV-2394-T-27EAJ

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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ORDER

BEFORE THE COURT is the Report and Recommendation submitted by the Magistrate Judge (Dkt. 16) recommending that the decision of the Defendant Commissioner be reversed and this matter be remanded for further proceedings. Neither party filed objections to the Report and Recommendation, and the time for doing so has expired.

After careful consideration of the Report and Recommendation in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED**:

- 1) The Report and Recommendation (Dkt. 16) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
- 2) The decision of the Defendant Commissioner is **REVERSED** and this matter is **REMANDED** for further proceedings consistent with the Report and Recommendation pursuant to Sentence Four, 42 U.S.C. § 405(g).
- 3) The Clerk is directed to enter final judgment in favor of Plaintiff pursuant to Sentence

Four, 42 U.S.C. § 405(g), and *Newsome v. Shalala*, 8 F.3d 775 (11th Cir. 1993).

4) The Clerk is directed to close this case.

5) Pursuant to *Bergen v. Commissioner*, 454 F.3d 1273, 1277-78 & n.2 (11th Cir. 2006), Plaintiff may file a motion to award fees under Section 42 U.S.C. § 406(b) within 14 days after counsel receives notice from the Defendant Commissioner of a final decision awarding benefits.

DONE AND ORDERED in Tampa, Florida, on this 7th day of February, 2011.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record