

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

TERESA D HUGHES,

Petitioner,

v.

CASE NO. 1:08-cv-00046-MP-WCS

MICHAEL J ASTRUE,

Respondent.

ORDER

This matter is before the Court on Doc. 15, Report and Recommendation of the Magistrate Judge, recommending that the Court grant the Respondent's motion to remand this case to the Commissioner. The time for filing objections has passed, and none have been filed. The Court agrees that this matter should be remanded pursuant to sentence four of 42 U.S.C. § 405(g). Accordingly it is hereby

ORDERED AND ADJUDGED:

1. The Defendant's motion to remand, doc. 14, is granted.
2. The Clerk is directed to enter final judgment REVERSING the Commissioner's decision to deny benefits and REMANDING the application to the Commissioner for rehearing pursuant to sentence four of 42 U.S.C. § 405(g) consistent with this report and recommendation.
3. Pursuant to Bergen v. Commissioner, 454 F.3d 1273, 1277-78 (11th Cir. 2006), proceedings on attorney fees under the Social Security Act, 42 U.S.C. § 406(b), are stayed until the matter is fully adjudicated upon remand. This stay relates only to attorney fee proceedings under § 406(b) of the Social Security Act, not to

attorney fee proceedings under the Equal Access to Justice Act, 28 U.S.C. § 2412, the latter of which may be adjudicated at this time.

DONE AND ORDERED this 29th day of January, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge