

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

RODERICK W GILBRIDE,

Plaintiff,

v.

CASE NO. 1:08-cv-00048-MP -AK

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court on Doc. 37, which is an order of the United States Court of Appeals for the Eleventh Circuit remanding this matter to the Court and instructing the Court to reverse its judgment and remand the matter to the Commissioner under sentence four of 42 U.S.C. § 405(g). Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

The judgment entered in this case, Doc. 22, is reversed and this matter is remanded to the Commissioner for rehearing.

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. The Plaintiff shall file a motion to award fees under 406(b) within 30 days after counsel receives notice from the Defendant Commissioner as to Plaintiff's past due benefits.

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 20th day of October, 2010

s/Maurice M. Paul  
Maurice M. Paul, Senior District Judge