

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

ANITA V MCCLELLAN,

Plaintiff,

v.

CASE NO. 1:08-cv-00177-MP-WCS

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court on Report and Recommendation, Doc. 21, regarding the Motion to Remand, Doc. 20, filed by Michael J. Astrue. The Magistrate has recommended that the Court grant Defendant's Motion for Entry of Judgment and Remand. No party has objected, and the time for doing so has passed. Finding no plain error, it is

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge, Doc. 21, is ADOPTED and incorporated herein.
2. Defendant's Motion to Remand, Doc. 20, is GRANTED.
3. The decision of the Commissioner denying benefits is REVERSED and REMANDED for rehearing pursuant to sentence four of 42 U.S.C. § 405(g) for the purposes stated in the Motion to Remand, Doc. 20.
4. The Clerk is directed to enter final judgment reversing and remanding the application to the Commissioner.

**DONE AND ORDERED** this 21st day of December, 2009

*s/Maurice M. Paul*

Maurice M. Paul, Senior District Judge