

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

LINDA KRUGER,

Plaintiff,

v.

CASE NO. 1:10-cv-00070-MP-WCS

MICHAEL J ASTRUE,

Defendant.

_____ /

ORDER

This matter is before the Court on Doc. 15, Report and Recommendation of the Magistrate Judge, recommending that this matter be remanded to the Commissioner under sentence four of 405(g). The Claimant does not object.

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. Defendant's motion for entry of judgment and remand, doc. 13, is granted. 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) and for the purposes stated in the motion.
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. 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.

4. 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 3rd day of November, 2010

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge