

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

WILLARD J. HARRELL,  
Plaintiff,

vs.

Case No.: 3:08cv66/LAC/EMT

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

\_\_\_\_\_ /

**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation dated October 7, 2008 (Doc. 15). The parties have been furnished a copy of the report and recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of objections filed, if any.

Having considered the report and recommendation, and any timely filed objections thereto, I have determined that the report and recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Defendant's Motion to Remand (Doc. 14) is **GRANTED**, and the Commissioner's decision denying benefits is **REVERSED**.
3. This case is **REMANDED** to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g).
4. Defendant is ordered to conduct proceedings in accordance with the Report and Recommendation (Doc. 15).

5. The Clerk shall enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

6. The clerk is directed to administratively close this file.

**DONE AND ORDERED** this 6<sup>th</sup> day of November, 2008.

*s/L. A. Collier* \_\_\_\_\_

**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**