

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

TEBRA PRETTO,  
Plaintiff,

vs.

Case No.: 3:08cv397/LAC/EMT

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

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated July 2, 2009 (Doc. 23). 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). No objections have been filed.

Having considered the Report and Recommendation, 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. 21) is **GRANTED**, and the Commissioner's decision denying benefits are **REVERSED**.
3. This case is **REMANDED** to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g).
4. Plaintiff's case is to be assigned to a new ALJ upon remand. That ALJ who presided over Plaintiff's administrative hearing will be provided with a copy of the Report and Recommendation (Doc. 23), as was done in Case Number 3:07cv509/RV/EMT.

5. Defendant is ordered to conduct proceedings in accordance with the Report and Recommendation (Doc. 23).

6. The clerk is directed to enter final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and administratively close this file.

**DONE AND ORDERED** this 5<sup>th</sup> day of August, 2009.

*s/L.A. Collier*

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