

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

**BOBBY GOLDEN,**  
Plaintiff,

v.

No: 3:09cv58/RV/MD

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

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**REPORT AND RECOMMENDATION**

Defendant has filed a motion for final judgment (doc. 17) of this cause. On July 13, 2009 the court remanded this case under sentence six of 42 U.S.C. § 405(g) for further proceedings. Defendant reports that upon remand, plaintiff was found eligible for benefits in a favorable Administrative Law Judge (ALJ) decision dated September 29, 2009.

As plaintiff received full relief, defendant requests that the court enter a final judgment in favor of plaintiff pursuant to Rule 58 of the Federal Rules of Civil Procedure. Entry of a final judgment will begin the appeal period which determines the 30-day period during which a timely application for attorney fees may be made under the Equal Access to Justice Act (EAJA).

Accordingly, it is respectfully **RECOMMENDED** that defendant's motion for final judgment (doc. 17) be **GRANTED** pursuant to Rule 58 of the Federal Rules of Civil Procedure.

At Pensacola, Florida this 17<sup>th</sup> day of November, 2009.

/s/ *Miles Davis*

**MILES DAVIS**  
**UNITED STATES MAGISTRATE JUDGE**

## NOTICE TO THE PARTIES

**Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy hereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of any objections shall be served upon any other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; *United States v. Roberts*, 858 F.2d 698, 701 (11<sup>th</sup> Cir. 1988).**