

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

PHILLIP DWAYNE JACKSON,

Plaintiff,

vs.

CASE NO.: 3:09cv218/MCR/MD

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

Defendant.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated February 5, 2010. The plaintiff has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, 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. The defendant's motion to remand (doc. 22) 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. The defendant is ordered to direct the Administrative Law Judge to re-evaluate plaintiff's case at step two of the sequential disability evaluation under the provisions of Section 12.05C of the Commissioner's listing of impairments, located at 20 C.F.R. Part 404, Subpart P, Appendix 1. If necessary, the ALJ shall obtain evidence from a medical expert.

5. The clerk is directed to enter judgment for plaintiff and close the file.

DONE AND ORDERED this 9th day of March, 2010.

sl *M. Casey Rodgers*

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**